



City of Huntington Beach Planning and Building Department

STUDY SESSION REPORT

TO: Planning Commission
FROM: Scott Hess, AICP, Director of Planning and Building
BY: Jennifer Villaseñor, Associate Planner *JV*
DATE: October 12, 2010
SUBJECT: **APPEAL OF THE ZONING ADMINISTRATOR'S APPROVAL OF MITIGATED NEGATIVE DECLARATION NO. 09-001 (ATLANTA AVENUE WIDENING)**
APPLICANT: City of Huntington Beach, Public Works Department, 2000 Main Street, Huntington Beach, CA 92648

APPELLANT: Hart, King and Coldren, 200 Sandpointe, Fourth Floor, Santa Ana, CA 92707

PROPERTY

OWNER: Atlanta Avenue Right-of-Way: City of Huntington Beach; Pacific Mobile Home Park: Pacific Mobile Home Park, LLC, 80 Huntington Street, Huntington Beach, CA 92648
LOCATION: Atlanta Avenue Right-of-Way (between Huntington Street and Delaware Street); 80 Huntington Street, 92648 (south side of Atlanta Avenue between Huntington Street and Delaware Street – Pacific Mobile Home Park)

PROJECT REQUEST AND SPECIAL CONSIDERATIONS

This represents an appeal filed on September 27, 2010 by Hart, King and Coldren, on behalf of the Pacific Mobile Home Park property owners, of the Zoning Administrator's approval (Attachment No. 2) of Mitigated Negative Declaration No. 09-001 (Attachment No. 3). Mitigated Negative Declaration (MND) No. 09-001 analyzes the potential environmental impacts associated with a City proposal to widen Atlanta Avenue from Huntington Street to Delaware Street to comply with the primary arterial street classification in the General Plan Circulation Element. The appeal letter is provided as Attachment No. 1 and cites the following reasons as the basis for appeal:

1. "There is no substantial evidence of public necessity for the Project which involves the taking of private Park property on which resident mobile homes are located.
2. An Environmental Impact Report ("EIR") should have been prepared because the MND wrongfully fails to consider that part of the Project which involves relocation of Park residents, which relocation, if considered, would require preparation of an EIR.
3. An EIR should have been prepared because there is a fair argument that the Project, as mitigated, may have significant impacts on the environment, particularly regarding land use, housing, growth, air quality, drainage, noise and biological resource impacts."

Project Overview

The proposed project would widen Atlanta Avenue from Huntington Street to Delaware Street and bring the subject segment of Atlanta Avenue into compliance with its General Plan classification as well as the Orange County Master Plan of Arterial Highways (MPAH). As defined in the General Plan, the primary arterial street classification provides sidewalk, curb, gutter, a bike lane, and two through lanes in each direction of travel, separated by a striped median. Currently, the subject segment of Atlanta Avenue provides one lane in each direction, a striped median, and on-street parking along a portion of the north side of the street.

Acquisition of Right-of-Way

The existing public street right-of-way along the subject segment of Atlanta Avenue varies from 60 feet wide (30 feet north and 30 feet south of street centerline) at Huntington Street to 85 feet wide (55 feet north and 30 feet south of street centerline) at Delaware Street. Consequently, construction of the proposed street improvements will require the acquisition of an additional 25 feet of public street right-of-way south of the centerline of Atlanta Avenue (i.e., the public street right-of-way is proposed at 55 feet south of street centerline). The additional 25 feet of right-of-way would come from an approximately 25 feet wide by 630 feet long strip of land from the Pacific Mobile Home Park located immediately south of Atlanta Avenue. The acquisition of the 25 feet would impact eight dwelling units (Unit Nos. 101, 102, 201, 301, 302, 401, 501, and 502) within the park. The impacted residents would need to be relocated pursuant to the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

Proposed Street Improvements

The proposed street improvements will provide an additional through lane and bike lane in each direction of travel. In addition, the project's scope of work includes clearing and grubbing, the construction of asphalt concrete roadway, striping, curb, gutter, sidewalk, an 8-foot tall concrete block wall atop a variable height (7 feet max.) retaining wall, landscaping (including the removal or relocation of 25 trees within the existing mobile home park), reconstruction of a 26-foot wide drive aisle (circulation road) and two emergency access gates within the mobile home park, and utility and fire hydrant adjustment and relocation. The project also requires approval of a coastal development permit for development in the coastal zone and a conditional use permit for the proposed height of the retaining wall.

BACKGROUND

The Atlanta Avenue Widening Project was initially identified in the 2006 Federal Statewide Transportation Improvement Program (FSTIP) and 2008 Southern California Association of Governments (SCAG) Regional Transportation Plan (RTP). The project has been authorized by the Federal Highway Administration (FHWA) to receive funding through the Orange County Transportation Authority (OCTA). The California Department of Transportation (Caltrans) is the administering agency for FHWA and the lead agency for environmental clearance under the National Environmental Policy Act (NEPA).

Funding for the project is awarded in three phases: preliminary engineering, right-of-way and construction. Each phase cannot begin until the City receives Federal authorization to proceed. The City is currently working with Caltrans to obtain Federal authorization for the right-of-way phase in accordance with the timelines established by OCTA for the obligation of funds. The Federal authorization to proceed cannot be granted until environmental review for the project is completed pursuant to NEPA. Caltrans, as the lead agency for NEPA, will issue NEPA compliance pending completion of the City's CEQA process. In addition, the City cannot begin any work on the acquisition of right-of-way, including negotiations with the mobile home park property owners and impacted residents,

prior to receiving Federal authorization to proceed. Therefore, the City is moving forward with the CEQA process in order to maintain funding for the project as well as begin discussions with the owners and residents of the mobile home park. The coastal development and conditional use permits require a public hearing before the Planning Commission and would be scheduled for a future meeting.

CURRENT LAND USE, HISTORY OF SITE, ZONING AND GENERAL PLAN DESIGNATIONS

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	Atlanta Avenue: Right-of-Way Pacific Mobile Home Park: RM-15 (Residential Medium Density – 15 units/acre)	Atlanta Avenue: Right-of-Way Pacific Mobile Home Park: RMP-CZ (Residential Manufactured Home Park – Coastal Zone overlay)	Right-of-Way; Pacific Mobile Home Park
North of Subject Property: (across Atlanta)	RM-15	RM-CZ (Residential Medium Density – Coastal Zone overlay)	Residential Apartments
East of Subject Property: (across Delaware)	RM-15	RM-CZ	Residential Condominiums
South of Subject Property:	RH-30-sp (Residential High Density – 30 units/acre – specific plan overlay)	SP5 (Downtown Specific Plan) – CZ	Remaining portion of Pacific Mobile Home Park; Waterfront Hilton
West of Subject Property: (across Huntington)	CV-F7-sp (Commercial Visitor – 3.0 Floor Area Ratio – specific plan overlay)	SP5-CZ	Pacific City project site

The project site consists of the existing Atlanta Avenue right-of-way from Huntington Street to Delaware Street and the northern portion of the Pacific Mobile Home Park, a 256-space mobile home park developed in the late 1950s. The project site is approximately 2.6 acres in area. The existing Atlanta Avenue right-of-way consists of approximately 1.57 acres of the project area and approximately 1.03 acres of the existing 18.24-acre mobile home park property makes up the remainder of the project area.

APPLICATION PROCESS AND TIMELINES

DATE OF COMPLETE APPLICATION:

July 29, 2010

MANDATORY PROCESSING DATE(S):

MND: January 27, 2011 (within 180 days of accepting application as complete)

CUP/CDP: March 28, 2011 or within 60 days of adoption of MND

An application for EA No. 09-001, Coastal Development Permit (CDP) No. 09-001 and Conditional Use Permit (CUP) No. 09-019 was filed on February 4, 2009 and deemed complete on July 29, 2010. The MND was adopted by the Zoning Administrator on September 15, 2010 and subsequently appealed on September 27, 2010. The appeal is scheduled for public hearing before the Planning Commission on October 26, 2010. The public hearing is for action on MND No. 09-001, which analyzes the potential environmental impacts from the project and would not include action on the project itself. As noted earlier, a public hearing on the CDP and CUP for the project will be scheduled for a future Planning Commission meeting.

CEQA ANALYSIS/REVIEW

Mitigated Negative Declaration (MND) No. 09-001 was prepared by staff and relies, in part, on consultant prepared technical studies in the areas of air quality, traffic, cultural resources, hazards and noise. On July, 29, 2010, the Environmental Assessment Committee (EAC) approved the processing of a Mitigated Negative Declaration for the project. The draft MND concluded that the project, as proposed, would not result in significant adverse environmental impacts with the incorporation of mitigation measures. Mitigation measures were identified to reduce potentially significant impacts in the areas of air quality, cultural resources, biological resources, population and housing, and noise to a less than significant level.

A 30-day public review and comment period for draft MND No. 09-001 commenced on August 5, 2010 and concluded on September 3, 2010. During the comment period, the City received five comment letters, including a comment letter from the appellant. Prior to the Zoning Administrator public hearing on the draft MND, staff responded to each of the comments raised in the comment letters. A copy of the Response to Comments and all comment letters is provided as Attachment No. 4.

COMMENTS FROM CITY DEPARTMENTS AND OTHER PUBLIC AGENCIES

The Department of Public Works is the project applicant and has designed the project to meet City standards. The Fire and Police Departments and the Building Division have reviewed the project plans for compliance with applicable codes. The Department of Economic Development has provided comments on the relocation process and, with assistance from the City's real estate/relocation consultant, would ensure that the required relocation plan meets all applicable local, state and federal laws.

The City anticipates receiving funds for the project from FHWA and has been working with OCTA and Caltrans to obtain the necessary approvals in order to receive the funds.

PUBLIC MEETINGS, COMMENTS AND CONCERNS

The Public Works Department presented the project at a Mobile Home Advisory Board meeting on January 26, 2009. On September 15, 2010, the Zoning Administrator held a public hearing to consider the MND. Notification of the meeting was published in the Huntington Beach Independent and provided to all property owners and tenants on the subject site and within a 500-foot radius and interested parties. No written comments were received prior to the Zoning Administrator public hearing. However, four members of the public, including three residents of the Pacific Mobile Home Park, spoke during the public hearing. The speakers asked questions related to project timing, potential relocation sites, site access during construction and relocation compensation requirements. The speakers did not voice support of or opposition to the project nor did they raise any issues regarding the environmental analysis in the MND. The appellant did not attend the meeting. In addition, Environmental Assessment Committee (EAC) meetings are open to the public. The EAC meeting agenda for MND No. 09-001 was posted at City Hall 72 hours in advance of the meeting in addition to the Planning and Building Department website.

PLANNING ISSUES

The primary issue to consider when analyzing this request is whether the issues raised in the appeal letter render the analysis of the environmental impacts in the MND inadequate with respect to compliance with CEQA.

ATTACHMENTS:

1. Appeal letter received September 27, 2010
2. Zoning Administrator Notice of Action dated September 16, 2010 – MND 09-001
3. Mitigated Negative Declaration No. 09-001
4. Response to Comments for Mitigated Negative Declaration No. 09-001 (includes all comments, responses and errata to MND No. 09-001)

SH:HF:MBB:JV:kd

HK&C

HART, KING & COLDREN

Boyd L. Hill
bhill@hkclaw.com

September 27, 2010

Our File Number: 36608.005/4840-1342-0039v.1

VIA HAND DELIVERY

City of Huntington Beach Planning Commission
2000 Main Street
Huntington Beach, CA 92648
c/o Scott Hess, Director of Planning
Planning and Building Department

RECEIVED

SEP 27 2010

Dept. of Planning
& Building

Re: **Atlanta Avenue Widening Project ("Project")**
Appeal of Zoning Administrator Approval of
Mitigated Negative Declaration ("MND") No. 2009-001

Dear Commissioners:

We represent the owner of the Pacific Mobilehome Park, whose property would need to be taken for the proposed Project. This letter constitutes the Park Owner's appeal of the Zoning Administrator's approval of the City's MND for the Project. The appeal fee in the amount of \$2,002 is enclosed herewith. The grounds for appeal are as follows:

1. There is no substantial evidence of public necessity for the Project which involves the taking of private Park property on which resident mobile homes are located.
2. An Environmental Impact Report ("EIR") should have been prepared because the MND wrongfully fails to consider that part of the Project which involves relocation of Park residents, which relocation, if considered, would require preparation of an EIR.
3. An EIR should have been prepared because there is a fair argument that the Project, as mitigated, may have significant impacts on the environment, particularly regarding land use, housing, growth, air quality, drainage, noise and biological resources impacts.

THE MND CONTAINS NO SUBSTANTIAL EVIDENCE OF PROJECT PUBLIC NECESSITY

In order for the Project which encompasses the taking of private Park property to be lawful, the City must establish the public necessity for the Project. (See Code Civ. Proc., 1240.030) The MND does not point to any anticipated Park change in use that will justify building out the adjacent street to the maximum general plan width. In addition, the MND candidly admits that there is no current funding source that would allow the Project to be built within the near future.

A Professional Law Corporation
200 Sandpointe, Fourth Floor, Santa Ana, California 92707
Ph 714.432.8700 | www.hkclaw.com | Fx 714.546.7457

ATTACHMENT NO. 1.1



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The MND alleges that the Project is made necessary by the previous approval of the mixed use Pacific City Development just west of the Project, which Development widened Atlanta Avenue to its ultimate location, leaving an alleged "choke point" along Atlanta Avenue where the Park is located.

According to the MND, the existing 26 foot offset in the south curb alignment at the intersection of Atlanta Avenue and Huntington Street "requires additional motorist decisions" and creates "a greater potential for merging accidents and motorists inadvertently driving vehicles off of the street."

Neither the MND nor the traffic study attached thereto provide evidence to support this conclusion regarding the alleged safety issues pertaining to the existing south curb offset. The MND provides no evidence of a greater number of accidents at the intersection of Atlanta Avenue and Huntington Street, no evidence of a greater number of vehicles running off the street, and no evidence of traffic backups resulting from the south curb offset. Indeed, some of the most heavily traveled roads, highways and interstates in Southern California have well marked lane reductions without any significant reductions in safety.

The traffic study attached to the MND provides substantial evidence to the contrary of the MND justification for the Project. The traffic study demonstrates that regardless of the Project there will be significant traffic obstruction at the intersection of Atlanta Avenue and Huntington Street unless there is a traffic signal light placed at that intersection. With a traffic signal light, traffic obstruction at the intersection is avoided. The traffic study glaringly fails to study whether a signal light without the Project would relieve any existing traffic obstruction, although it is clear from the traffic study that the Project without a traffic signal light will not.

Therefore, the MND does not provide evidence of the public necessity for the proposed Project and its relocation of Park resident mobile homes. Instead it provides evidence that the Project is both not needed and not presently viable.

THE MND CONTAINS AN INADEQUATE PIECEMEAL PROJECT DESCRIPTION

The California Environmental Quality Act ("CEQA," Pub. Res. Code 21000 et seq.) is a comprehensive scheme designed to provide long-term protection to the environment. CEQA is to be interpreted to afford the fullest possible protection to the environment within the reasonable scope of the statutory language. (See *Mountain Lion Foundation v. Fish & Game Com.* (1997) 16 Cal.4th 105, 112)

An EIR is the heart of CEQA. Its purpose is to inform the public and its responsible officials of the environmental consequences of their decisions before they are made. Thus, the EIR protects not only the environment but also informed self-government. (See *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 391, fn 2)

A negative declaration is proper only if the public agency determines based on an initial study

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that there is no substantial evidence that the project may have a significant effect on the environment. (Pub. Res. Code, § 21080 (c) (1) & (d); 14 Cal. Code Regs., §§ 15063 (b) (2), 15070 (a)) An EIR must be prepared whenever there is a fair argument on the basis of substantial evidence that the project will have significant environmental impact. (See *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 75)

A proper initial study requires that "all phases of project planning, implementation and operation ... be considered." (14 Cal. Code Regs., § 15063 (a) (1)). Indeed, an accurate, stable and finite project description is the sine qua non of informative and legally adequate environmental review. (See *Burbank-Glendale-Pasadena Airport v. Hensler* (1991) 233 Cal.App.3d 577, 592)

An accurate project description is necessary for an intelligent evaluation of the potential environmental effects of a proposed activity. A narrow view of a project could result in the fallacy of division, that is, overlooking its cumulative impact by separately focusing on isolated parts of the whole. (See *McQueen v. Board of Directors* (1988) 202 Cal.App.3d 1136, 1143)

For these reasons, CEQA mandates that environmental considerations not become submerged by chopping a large project into many little ones, each with a potential impact on the environment, which cumulatively may have a significant impact. (See *City of Santee v. County of San Diego* (1989) 214 Cal.App.3d 1438, 1452) CEQA defines the term "project" broadly to include the whole of an action, direct and indirect impacts on the environmental, and any subsequent discretionary actions of the government agencies. (See *McQueen v. Board of Directors, supra*, 202 Cal.App.3d at 1143)

The MND describes the Project as the widening of the south side of Atlanta Avenue between Huntington Street and Delaware Street to comply with the primary arterial street classification in the City's General Plan Element. Currently there is one lane of traffic on the south side. The Project will add an additional lane, a bike lane and a sidewalk along the south side of Atlanta Avenue.

The MND lists the scope of the Project to encompass condemnation of Park land, removal and relocation of eight mobile homes, clearing and grubbing of the land, construction of an asphalt concrete roadway, striping, curb, gutter, sidewalk, an 8-foot tall concrete block wall atop a retaining wall possibly 7-feet in height, landscaping that includes the removal of 25 mature trees, reconstruction of a circulation road within the Park, construction of two emergency access gates within the Park, utility and fire hydrant relocation, relocation of a drainage catch basin, relocation of utility poles and overhead lines.

The MND states that the Project will require approval of a conditional use permit for the block wall and a coastal development permit. However, the MND makes no attempt to describe any potential conditions for approval of a conditional use permit or coastal development permit.

Despite its acknowledgement that the Project will require relocation of eight mobile homes, the MND inappropriately claims that the City cannot conduct environmental review for the relocation

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impacts because the City cannot yet determine whether relocation from the Park will be required because the City has not yet obtained funding for the Project.

The City's reasoning here is faulty. The lack of current funding for the Project, while relevant to whether there is public necessity for the Project, does not prevent the City from performing an analysis of whether there is sufficient room for relocation within the Park for those mobile homes that will be moved. Therefore the MND description of the Project is inadequate and incomplete.

It appears that the City is deliberately trying to avoid preparing an EIR by segmenting the Project so that it does not include relocation of Park residents. Under CEQA, there is a mandatory finding of significance if the environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly. (14 Cal. Code Regs., § 15065)

A road widening project that will displace several families and result in the loss of the residential community characteristic of the area will clearly cause substantial adverse effects on human beings. (See *Friends of "B" Street v. City of Hayward* (1980) 106 Cal.App.3d 988, 1003) Therefore, by improperly segmenting or piece-mealing the Project, the City violates CEQA. An EIR rather than the MND should have been prepared.

**THERE IS FAIR ARGUMENT OF SIGNIFICANT
PROJECT IMPACTS ON THE ENVIRONMENT**

A mitigated negative declaration is appropriate only if project revisions avoid or mitigate the potentially significant effects that are identified or that should have been identified in the initial study to the point where no significant effect on the environment would occur. (See Pub. Res. Code § 21064)

Under CEQA a significant effect on the environment means a substantial or potentially substantial adverse change in the environment. (Pub. Res. Code, § 21068) Appendix G of the CEQA Guidelines provides a checklist of significant environmental impacts that an agency should evaluate for a project in its initial study. The initial study checklist is included in the MND. The MND initial study checklist contains several erroneous and/or factually unsupported findings regarding significant environmental impacts and/or mitigation thereof:

1. Land Use and Planning.

a. Conflict with Existing Land Use Regulation. The MND incorrectly finds that the Project will not conflict with any applicable land use regulation of an agency over the Park.

The MND expressly states that the City will need to issue a new conditional use permit for the large (possibly as high as 15 feet) block wall that will be part of the Project. Such a wall is not currently permitted under the Park conditional use permit and would impose additional burdens and conditions on the Park Owner. However, the MND fails to discuss what conditions

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might be involuntarily imposed on the Park Owner and the impacts of those conditions on the existing conditional use permit. The MND also fails to address any impacts of a 15 foot wall ore removal of existing mature trees on the scenic coastal views of nearby residents.

The MND also reveals that it will need an additional coastal development permit but fails to discuss whether the Project complies under the requirements for such a permit and fails to address the potential impact of Project's displacement of housing under the Ellis Act. Thus, an EIR is needed to analyze the scope of the new conditional use permit and coastal development permit required for the Project, including the impact of any conditions that would be associated with such permits.

c. Divide an Established Community. The MND also wrongfully claims that the Project will not divide an established community. The MND clearly will remove 8 mobile homes from the Park and thus divide them from the Park community, reconfigure an access road within the Park, and impose a block wall that will result in grade separation and impede open access to the street. These are definite physical changes to the environment that will divide and segment the established Park community. Therefore, an EIR is needed to analyze the Project impacts to the Park community.

2. Population and Housing.

a. Induce Substantial Population Growth. The MND erroneously claims that the City need not study the growth inducing impact of the street widening because it is within growth projected by the City's General Plan. The growth inducing impacts of a street widening project must be studied and discussed in an EIR regardless of whether they are anticipated by the City's General Plan. (See *City of Antioch v. City Council* (1986) 187 Cal.App.3d 1325, 1332 ["conformity with the general plan for the area ... does not insulate a project from the EIR requirement, where it may be fairly argued that the project will generate significant environmental effects"]) Therefore, an EIR is required to evaluate the Project's growth inducing impacts.

b/c. Need for Replacement Housing. The MND erroneously claims that it cannot make decisions about replacement housing until it receives Federal highway funds, and thus wrongfully puts off for later mitigation in the form of a relocation plan. There is nothing in the lack of present funding that prevents the City from determining the potential place and type of relocation housing at the current time. The use of a future study or plan cannot substitute as mitigation for a significant environmental effect in the MND. (See *Sunstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 307) Thus, an EIR is required that includes a relocation plan.

4. Hydrology and Water Quality.

c. Alter Drainage Pattern. The MND erroneously claims that the Project will not substantially alter the existing drainage pattern of the area despite its admission in section

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4.a. that the existing storm drain at the south side of Atlanta Avenue will be relocated and that there will need to be reconstruction of the Park on-site drive aisle and a grade change. Grade and location changes can substantially alter the ability of the existing on-site drainage system to adequately contain drainage flows. Those impacts to the Park drainage system should be studied in an EIR.

5. Air Quality. The MND makes unsupported assumptions about mitigation of short term air quality impacts and erroneously fails to consider long term air quality impacts of the Project.

a/b. Violate Air Standards/Sensitive Receptors. With respect to the short term impacts, the MND acknowledges that construction of the Project will cause significant air quality impacts. The MND admits that the mitigation measures, if completely successful "can" at the maximum, only result in a 50 percent reduction in particulates matter. The MND then leaps to an unsupported conclusion that a 50 percent reduction will somehow get rid of all of the 40% excess of particulate matter, not just 50% thereof. An EIR is required to study whether the mitigation measures will reduce particulates matter to a less than significant level.

e. Cumulative Increase in Emissions. The MND erroneously fails to consider the cumulative impact of potential increased traffic on long term emissions resulting from the Project. An EIR is required to study the impact of increased future emissions from additional traffic enabled by the Project.

7. Biological Resources. The MND improperly fails to contain a tree replacement plan that would allow for replacement of the mature trees in the Park that will be eliminated.

10. Noise. The MND wrongfully fails to admit that construction noise is a significant impact of the Project, despite its acknowledgement that construction noise levels will increase the ambient noise levels for residents located within 50 feet more than 25 dBA up to 98 dBA, an intolerable amount despite what the City ordinance allows during daytime. The mitigation measures suggested thus are not evaluated as to whether they bring the noise levels to a less than significant level. An EIR is required to determine mitigation measures that will reduce Project noise for Park residents to a less than significant level.

18. Mandatory Findings of Significance. While the MND admits to all three mandatory findings of significance, the MND insists, without any substantive discussion, that the minor mitigation measures proposed will suffice. The MND also fails to admit to all of the significant effects, including land use, housing, population, traffic, drainage and noise impacts.

In essence, the Project is similar in many respects to the project in the *Friends of "B" Street* case where an EIR was required:

In the present case the adoption of a negative declaration was an abuse of discretion. The city's initial study revealed that the short

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term effects of the "B" Street Project include increased dust and auto exhaust, disruption of business during the construction of the project, and increased bank erosion and possible loss of wildlife habitat along San Lorenzo Creek during construction of a bridge. Among the long term effects of the project are increased traffic, increased noise, paving and removal of grass and garden areas, the removal of vegetation, landscaping, shrubs and hedgerows, the removal of 153 mature trees (some more than 80 years old) which presently line the street, and the elimination of on-street parking on "B" Street and Center Street, aggravating present parking problems that already exist in the area. Two neighborhood stores would be removed, and 12 families would be displaced due to the removal of residential structures. The project would result in the loss of the residential community characteristic of the area, and a decrease in residential property values. The residential desirability of adjacent properties would be adversely affected by the increased noise and exposure to traffic, reduced setbacks of the structures from the street, and the loss of on-street parking. The conversion of single-family dwellings to commercial or multi-family use would be accelerated. The project would also result in a decreased visual or aesthetic quality of the area due to the removal of the trees, grass and garden areas, and the decrease in the setback of the structures from the street. This evidence indicated that a finding of significant environmental effect was mandatory. (Cal. Admin. Code, tit. 14, § 15082.) The trial court correctly determined that there was substantial evidence that the "B" Street Project might have a significant environmental effect. (*Friends of "B" Street v. City of Hayward, supra*, 106 Cal.App.3d at 1003)

[continued on next page]



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In conclusion, the failure of the MND to recognize the numerous significant environmental impacts resulting from relocation of residents, road widening, alteration of drainage and noise and the failure of the MND to sufficiently mitigate impacts resulting from the Project require the preparation of an EIR. The MND fails to analyze the whole of the Project and demonstrates that the Project is not necessary or viable at this time. An EIR should be prepared to appropriately analyze the Project.

Sincerely,

HART, KING & COLDREN

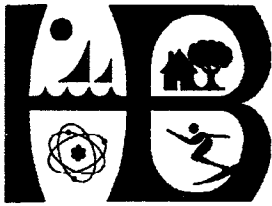
Boyd L Hill

BLH/dr

Enclosure: \$2,002 appeal fee

cc: Mark Hodgson
Robert S. Coldren
Fred Wilson, City Administrator

ATTACHMENT NO. 1.8



**OFFICE of the ZONING ADMINISTRATOR
CITY OF HUNTINGTON BEACH • CALIFORNIA**

~~~~~  
P.O. BOX 190

CALIFORNIA 92648

**NOTICE OF ACTION**

(714) 536-5271  
September 16, 2010

Jonathan Claudio  
City of Huntington Beach  
2000 Main Street  
Huntington Beach, CA 92648

**SUBJECT:** MITIGATED NEGATIVE DECLARATION NO. 2009-001  
(ATLANTA AVENUE WIDENING)

**APPLICANT:** Jonathan Claudio, City of Huntington Beach – Public Works  
Department

**REQUEST:** To analyze the potential environmental impacts associated  
with a proposal to widen the south side of Atlanta Avenue,  
between Huntington Street and Delaware Street, to comply  
with the primary arterial street classification in the General  
Plan Circulation Element.

**PROPERTY OWNER:** Atlanta Avenue ROW: City of Huntington Beach; Pacific  
Mobile Home Park: Pacific Mobile Home Park, LLC, 80  
Huntington Street, Huntington Beach, CA 92648

**LOCATION:** Atlanta Avenue right-of- way: Between Huntington Street and  
Delaware Street; Pacific Mobile Home Park: 80 Huntington  
Street (south side of Atlanta Avenue, between Huntington  
Street and Delaware Street)

**PROJECT PLANNER:** Jennifer Villasenor

**DATE OF ACTION:** September 15, 2010

On Wednesday, September 15, 2010, the Huntington Beach Zoning Administrator took  
action on your application, and your application was **approved**. Attached to this letter  
are the findings and mitigation measures.

Please be advised that the Zoning Administrator reviews the conceptual plan as a basic  
request for entitlement of the use applied for and there may be additional requirements  
prior to commencement of the project. It is recommended that you immediately pursue  
completion of the mitigation measures and address all requirements of the Huntington  
Beach Zoning and Subdivision Ordinance in order to expedite the processing/completion

ATTACHMENT NO. 2.1

of your total application. The conceptual plan should not be construed as a precise plan, reflecting conformance to all Zoning and Subdivision Ordinance requirements.

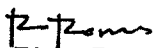
Under the provisions of the Huntington Beach Zoning and Subdivision Ordinance, the action taken by the Zoning Administrator becomes final at the expiration of the appeal period. A person desiring to appeal the decision shall file a written notice of appeal to the Secretary of the Planning Commission within ten (10) calendar days of the date of the Zoning Administrator's action. The notice of appeal shall include the name and address of the appellant, the decision being appealed, and the grounds for the appeal. Said appeal must be accompanied by a filing fee of Two Thousand Two Dollars (\$2,002.00) if the appeal is filed by any other party. In your case, the last day for filing an appeal and paying the filing fee is September 27, 2010 at 5:00 PM.

Provisions of the Huntington Beach Zoning and Subdivision Ordinance are such that any application becomes null and void one (1) year after final approval, unless actual construction has begun.

Excepting those actions commenced pursuant the California Environmental Quality Act, you are hereby notified that you have 90 days to protest the imposition of the fees described in this Notice of Action. If you fail to file a written protest regarding any of the fees contained in this Notice, you will be legally barred from later challenging such action pursuant to Government Code §66020.

If you have any questions regarding this Notice of Action letter or the processing of your application, please contact Jennifer Villaseñor, the project planner, at (714) 374-1661 or via email at [JVillaseñor@Surfcity-hb.org](mailto:JVillaseñor@Surfcity-hb.org) or the Planning and Building Department Zoning Counter at (714) 536-5271.

Sincerely,

  
Ricky Ramos  
Zoning Administrator

RR:JV:jd  
Attachment

c: Honorable Mayor and City Council  
Chair and Planning Commission  
Fred A. Wilson, City Administrator  
Scott Hess, Director of Planning and Building  
Herb Fauland, Planning Manager  
William H. Reardon, Division Chief/Fire Marshal  
Debbie DeBow, Acting Principal Engineer  
Gerald Caraig, Permit-Plan Check Manager  
Judy Demers  
City of Huntington Beach  
Pacific Mobile Home Park, LLC  
Project File

## **ATTACHMENT NO. 1**

### **FINDINGS AND MITIGATION MEASURES**

#### **MITIGATED NEGATIVE DECLARATION NO. 2009-001**

##### **FINDINGS FOR APPROVAL – MITIGATED NEGATIVE 2009-001:**

1. Mitigated Negative Declaration No. 2009-001 has been prepared in compliance with Article 6 of the California Environmental Quality Act (CEQA) Guidelines. It was advertised and available for a public comment period of 30 days. Comments received during the comment period were considered by the Zoning Administrator prior to action on the Mitigated Negative Declaration.
2. Mitigation measures avoid or reduce the project's effects to a point where clearly no significant effect on the environment will occur. Mitigation measures address construction noise and pollutant emissions and potential impacts to biological resources, cultural resources and population and housing. Mitigation measures were generally designed to minimize construction related impacts within and surrounding the project area as well as ensure that relocation of the impacted residents complies with the provisions of existing federal laws enacted to ensure that people whose real property is acquired, or who move as a result of projects receiving federal funds, will be treated fairly and equitably.
3. There is no substantial evidence in light of the whole record before the Zoning Administrator that the project, as mitigated through the attached mitigation measures, will have a significant effect on the environment. The proposed project will widen Atlanta Avenue between Huntington Street and Delaware Street to comply with the primary arterial street classification in the General Plan Circulation Element. As defined in the General Plan, the primary arterial street classification provides sidewalk, curb, gutter, a bike lane, and two through lanes in each direction of travel, separated by a striped median. Currently, the subject segment of Atlanta Avenue provides one lane in each direction, a striped median, and on-street parking along a portion of the north side of the street. Additional project benefits include construction of a new ADA accessible sidewalk and Class II bike lane and improvements to an existing Orange County Transportation Authority (OCTA) bus stop along the south side of Atlanta Avenue. The subject segment of Atlanta Avenue does not currently have a sidewalk or designated bike lane. Because the current roadway narrows at the intersection of Huntington Street and Atlanta Avenue, traffic flow is often impeded when the bus makes stops at this location. In addition, bicyclists are currently forced into travel lanes due to the roadway narrowing and the existing transit stop configuration. The project would improve the current conditions with the installation of the proposed improvements and would improve traffic safety for pedestrians, bicyclists and transit users traveling within the project area. Finally, all potential impacts resulting from construction of the project can be adequately mitigated.

##### **MITIGATION MEASURES FOR ENVIRONMENTAL CONCERNS:**

1. Upon Federal authorization to proceed with right-of-way acquisition, the City shall commence with acquisition and relocation in accordance with the provisions of the Federal Uniform Act. Notification to and discussions with the impacted residents shall occur as soon



as feasibly possible pursuant to the Federal Uniform Act. The City shall ensure that a relocation plan is prepared prior to final project plans and relocation is implemented in accordance with the Federal Uniform Act.

2. The City shall require, by contract specifications, implementation of the following measures:
  - a. All work shall be done in accordance with the "GREENBOOK" Standard Specifications for Public Works Construction, 2009 Edition, as written and promulgated by Public Works Standards, Inc.
  - b. The construction contractor shall not discharge smoke, dust, equipment exhaust, or any other air contaminants into the atmosphere in such quantity as will violate any federal, State or local regulations. (Greenbook Section 7-8.2)
  - c. The contractor shall comply with Caltrans' Standard Specification Section 7-1.01F and Section 10 of Caltrans' Standard Specifications (1999).
  - d. The contractor shall apply water or dust palliative to the site and equipment as frequently as necessary to control fugitive dust emissions.
  - e. The contractor shall spread soil binder on any unpaved roads used for construction purposes and all project construction parking areas.
  - f. The contractor shall wash trucks as they leave the right-of-way as necessary to control fugitive dust.
  - g. The contractor shall properly tune and maintain construction equipment and vehicles and use low-sulfur fuel in all construction equipment as provided in the California Code of Regulations Title 17, Section 93114.
  - h. The contractor shall develop a dust control plan documenting sprinkling, temporary paving, speed limits, and expedited re-vegetation of disturbed slopes as needed to minimize construction impacts to adjacent uses and residents.
  - i. The contractor shall locate equipment and materials storage as far away from residential as practical.
  - j. The contractor shall establish environmentally sensitive areas for receptors within which construction activities involving extended idling of diesel equipment would be prohibited to the extent feasible.
  - k. The contractor shall use track out reduction measures such as gravel pads at project access points to minimize dust and mud deposits on roads affected by construction traffic.
  - l. The contractor shall require that all transported loads of soil and wet materials shall be covered prior to transport, or provide adequate freeboard to reduce PM<sub>10</sub> and deposition of particulate matter during transportation.
  - m. The contractor shall route and schedule construction traffic to avoid peak travel times as much as possible to reduce congestion and related air quality impacts caused by idling along local roads.
  - n. The contractor shall install landscaping as soon as practical after grading to reduce windblown particulate in the area.
  - o. The contractor shall implement a street sweeping program with Rule 1186-compliant PM<sub>10</sub>-efficient vacuum units on at least a 14-day frequency.

- p. The contractor shall abate dust nuisance by cleaning, sweeping and spraying with water, or other means as necessary. (Greenbook Section 7-8.1)
  - q. The contractor shall provide a self-loading motorized street sweeper equipped with a functional water spray system. The sweeper shall clean all paved areas within the work site and all pave haul routes at least once a day. (Greenbook Section 7-8.1)
3. Prior to the onset of ground disturbance activities, the project developer shall implement the following mitigation measure which entails nesting surveys and avoidance measures for sensitive nesting and MBTA species, and appropriate agency consultation:
- a. Vegetation removal and construction shall occur between September 1 and January 31 whenever feasible.
  - b. Prior to any construction or vegetation removal between February 15 and August 31, a nesting survey shall be conducted by a qualified biologist of all habitats within 500 feet of the construction area. Surveys shall be conducted no less than 14 days and no more than 30 days prior to commencement of construction activities and surveys will be conducted in accordance with California Department of Fish and Game (CDFG) protocol as applicable. If no active nests are identified on or within 500 feet of the construction site, no further mitigation is necessary. A copy of the pre-construction survey shall be submitted to the City of Huntington Beach. If an active nest of a MBTA protected species is identified onsite (per established thresholds), a 250-foot no-work buffer shall be maintained between the nest and construction activity. This buffer can be reduced in consultation with CDFG and/or U.S. Fish and Wildlife Service.
  - c. Completion of the nesting cycle shall be determined by a qualified ornithologist or biologist.
4. The City shall require by contract specifications the following measures:
- a. Ensure that all construction equipment has sound-control devices.
  - b. Prohibit equipment with un-muffled exhaust.
  - c. Site staging of equipment as far away from sensitive receptors as possible.
  - d. Limit idling of equipment whenever possible.
  - e. Notify adjacent residents in advance of construction work.
  - f. Educate contractors and employees to be sensitive to noise impact issues and noise control methods.
  - g. Install temporary acoustic barriers between the mobile home removal and construction activities and the row of mobile homes to remain closest to Atlanta Avenue. Acoustical barriers should provide a Sound Transmission Class Rating of 25 and should be situated in a manner to provide an uninterrupted continuous barrier between all mobile home removal and road construction activities. During the mobile home removal activities, the barriers should stretch from the east edge of the property to the west and zig-zag between homes where necessary. After removal of the mobile homes and prior to construction of the drive aisle within the mobile home property, the barrier can be straightened to stretch more directly from the east property line to the west property line.
5. If cultural resources are encountered during construction-related ground-disturbing activities, all construction personnel shall be informed of the need to stop work on the project site in

the event of a potential find, until a qualified archaeologist has been provided the opportunity to assess the significance of the find and implement appropriate measures to protect or scientifically remove the find. Construction personnel shall also be informed that unauthorized collection of cultural resources is prohibited. If archaeological resources are discovered during ground-disturbing activities, all construction activities within 50 feet of the find shall cease until the archaeologist evaluates the significance of the resource. In the absence of a determination, all archaeological resources shall be considered significant. If the resource is determined to be significant, the archaeologist shall prepare a research design and recovery plan for the resources.

6. If human remains are discovered during construction or any earth-moving activities, the County Coroner must be notified of the find immediately. No further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. If the human remains are determined to be prehistoric, the Coroner must notify the Native American Heritage Commission (NAHC), which will determine and notify a Most Likely Descendent (MLD). The designated MLD may make recommendations to the City for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods.

**INDEMNIFICATION AND HOLD HARMLESS CONDITION:**

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

ENVIRONMENTAL CHECKLIST FORM  
CITY OF HUNTINGTON BEACH  
PLANNING & BUILDING DEPARTMENT  
ENVIRONMENTAL ASSESSMENT NO. 09-001

1. **PROJECT TITLE:** Atlanta Avenue Widening Project  
**Concurrent Entitlements:** Coastal Development Permit No. 2009-001; Conditional Use Permit No. 2009-019
2. **LEAD AGENCY:** City of Huntington Beach  
2000 Main Street  
Huntington Beach, CA 92648
- Contact:** Jennifer Villaseñor, Acting Senior Planner  
**Phone:** (714) 374-1661
3. **PROJECT LOCATION:** 80 Huntington Street (south side of Atlanta Avenue, between Huntington Street and Delaware Street) (*Refer to Attachment No. 1*)
4. **PROJECT PROPONENT:** City of Huntington Beach  
Public Works Department  
2000 Main Street  
Huntington Beach, CA 92648  
Contact: Jonathan Claudio, Senior Civil Engineer  
(714) 374-5380
5. **GENERAL PLAN DESIGNATION:** Atlanta Avenue: Right-of-Way  
Manufactured Home Park: Residential – Medium High Density – 15 units/acre (RM-15)
6. **ZONING:** Atlanta Avenue: Right-of-Way  
Manufactured Home Park: Residential Manufactured Home Park – Coastal Zone overlay (RMP-CZ)
7. **PROJECT DESCRIPTION** (Describe the whole action involved, including, but not limited to, later phases of the project, and secondary support, or off-site features necessary for implementation):

The City proposes to widen the south side of Atlanta Avenue, between Huntington Street and Delaware Street, to comply with the primary arterial street classification in the General Plan Circulation Element. The General Plan Circulation Element designates Atlanta Avenue as a primary arterial street, both in the current and in the 2010 Circulation Plan of Arterial Highways/County Master Plan of Arterial Streets and Highways (MPAH). As defined in the General Plan, the primary arterial street classification provides sidewalk, curb, gutter, a bike lane, and two through lanes in each direction of travel, separated by a striped

median. Currently, the subject segment of Atlanta Avenue provides one lane in each direction, a striped median, and on-street parking along a portion of the north side of the street.

The mixed-use Pacific City project located immediately west of the subject site has recently widened Atlanta Avenue between 1<sup>st</sup> Street and Huntington Street to its ultimate location. This has resulted in the segment of Atlanta Avenue between Huntington Street and Delaware Street as the lone remaining “choke point” on Atlanta Avenue between 1<sup>st</sup> Street and Beach Boulevard. The existing “choke point” creates a 26 ft. (approx.) offset in the south curb alignment at the intersection of Atlanta Avenue and Huntington Street. Since the narrowing roadway requires motorists traveling eastbound on Atlanta Avenue to make additional motorist decisions, there is a greater potential for merging accidents and motorists inadvertently driving vehicles off of the street. The proposed street widening would alleviate this “choke point” and help to minimize accident potential and provide for improved traffic safety.

#### Proposed Street Improvements

The proposed street improvements will provide an additional through lane and bike lane in each direction of travel. In addition, the project’s scope of work includes clearing and grubbing, the construction of asphalt concrete roadway, striping, curb, gutter, sidewalk, an 8-foot tall concrete block wall atop a variable height (7 ft. max.) retaining wall, landscaping (including the removal or relocation of 25 trees within the existing mobile home park), reconstruction of a 26 ft. wide drive aisle (circulation road) and two emergency access gates within the mobile home park, and utility and fire hydrant adjustment and relocation, including relocation of an existing drainage catch basin at the corner of Delaware Street and Atlanta Avenue. In addition, five utility poles and overhead lines currently located within the existing southerly parkway area will require relocation. In accordance with the City’s franchise agreements, the utility companies will be responsible for the relocation and/or adjustment of their facilities. It should be noted that the project requires approval of a coastal development permit for development in the coastal zone and a conditional use permit for the proposed retaining wall.

#### Acquisition of Right-of-Way

The existing public street right-of-way along the subject segment of Atlanta Avenue varies from 60 ft. wide (30 ft. north and 30 ft. south of street centerline) at Huntington Street to 85 ft. wide (55 ft. north and 30 ft. south of street centerline) at Delaware Street. Consequently, construction of the proposed street improvements will require the acquisition of an additional 25 feet of public street right-of-way south of the centerline of Atlanta Avenue (i.e., the public street right-of-way is proposed at 55 ft. south of street centerline). The additional 25 feet of right-of-way would come from a 25 feet wide by 630 feet long (approx.) strip of land from the Pacific Mobile Home Park located immediately south of Atlanta Avenue. The acquisition of the 25 feet would impact eight manufactured/mobile homes (Unit Nos. 101, 102, 201, 301, 302, 401, 501, and 502) within the park. The impacted residents would need to be relocated pursuant to the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (“The Uniform Act”). However, the relocation site is not known at this time since many steps are required before the City can begin relocation. That is, because the City anticipates receiving and using federal funds to construct the project, the City first has to obtain Federal authorization to proceed with the right-of-way phase before it can begin negotiating with the mobile home park owner to acquire the necessary right-of-way. The federal authorization to proceed cannot be granted until environmental review for the project is completed pursuant to the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA). After completion of environmental review and once the authorization to proceed with the right-of-way phase is granted, negotiations to acquire the right-of-way can begin. If the City successfully negotiates land acquisition with the park owner, relocation of the residents would occur at that time. Potential relocation alternatives include on-site relocation, off-site relocation to another park or conventional dwelling unit, or a monetary offer for residents who no longer choose to own a manufactured/mobile home. On-site relocation could occur by relocating the residents to an existing available space within the park or through reconfiguration of the park to include an adjacent

undeveloped area along Delaware Street. Since the City cannot negotiate the relocation alternatives with the impacted residents until the aforementioned steps (i.e. – environmental review, federal authorization, land acquisition) are completed, it is uncertain where the impacted residents would be relocated. Therefore, the physical relocation is not reasonably foreseeable. At such time that the relocation site(s) can be determined, the relocation would be subject to environmental review pursuant to CEQA.

#### Construction Scenario

It is estimated that project construction would take approximately six months. Once a contract is awarded, the contractor would provide a construction schedule to the City for review and approval. Although the entire project area has been previously graded, it is estimated that approximately 1,300 cubic yards of export soil and 1,800 cubic yards of import soil will be required to transition the existing grade of Atlanta Avenue, which slopes from west to east, to the “new” grades of the widened road and the reconstructed on-site improvements at the Pacific Mobile Home Park property.

- 8. SURROUNDING LAND USES AND SETTING:** The project site consists of the existing Atlanta Avenue right-of-way from Huntington Street to Delaware Street and the northern portion of the Pacific Mobile Home Park, a 256-space mobile home park developed in the late 1950s. The project site is approximately 2.6 acres in area. The existing Atlanta Avenue right-of-way consists of approximately 1.57 acres of the project area and the existing mobile home park property is the remaining 1.03 acres of the project area.

The project area is bounded by single- and multi-family residential uses to the north and east. Although the project site includes the northern portion of the Pacific Mobile Home Park, the majority of the approximately 18.24-acre park, is located immediately south of the street widening site and the Waterfront Hilton Hotel is further south beyond the mobile home park. The Pacific City mixed use project site is located west of the project area.

- 9. OTHER PREVIOUS RELATED ENVIRONMENTAL DOCUMENTATION:** Caltrans-approved Preliminary Environmental Assessment (PES) Form (January, 2009)

- 10. OTHER AGENCIES WHOSE APPROVAL IS REQUIRED (AND PERMITS NEEDED)** (i.e. permits, financing approval, or participating agreement):

- ♦ Caltrans
- ♦ Federal Highway Administration

The proposed project is anticipated to receive Federal Highway Administration (FHWA) funding to construct the project. The City has been working with Caltrans to obtain the funding and has already received authorization to proceed with the engineering phase.

## **ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" or is "Potentially Significant Unless Mitigated," as indicated by the checklist on the following pages.

- |                                                          |                                                          |                                                             |
|----------------------------------------------------------|----------------------------------------------------------|-------------------------------------------------------------|
| <input type="checkbox"/> Land Use / Planning             | <input type="checkbox"/> Transportation / Traffic        | <input type="checkbox"/> Public Services                    |
| <input checked="" type="checkbox"/> Population / Housing | <input checked="" type="checkbox"/> Biological Resources | <input type="checkbox"/> Utilities / Service Systems        |
| <input type="checkbox"/> Geology / Soils                 | <input type="checkbox"/> Mineral Resources               | <input type="checkbox"/> Aesthetics                         |
| <input type="checkbox"/> Hydrology / Water Quality       | <input type="checkbox"/> Hazards and Hazardous Materials | <input checked="" type="checkbox"/> Cultural Resources      |
| <input checked="" type="checkbox"/> Air Quality          | <input type="checkbox"/> Noise                           | <input type="checkbox"/> Recreation                         |
| <input type="checkbox"/> Agriculture Resources           | <input type="checkbox"/> Greenhouse Gas Emissions        | <input type="checkbox"/> Mandatory Findings of Significance |

## **DETERMINATION**

(To be completed by the Lead Agency)

On the basis of this initial evaluation:

I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared. ☐

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. **A MITIGATED NEGATIVE DECLARATION** will be prepared. ☒

I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required. ☐

I find that the proposed project **MAY** have a "potentially significant impact" or a "potentially significant unless mitigated impact" on the environment, but at least one impact (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed. ☐

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, **nothing further is required.** ☐

Signature

*Jennifer Villaseña*  
Printed Name

Date

Title

8/5/10

*Acting Senior Planner*

## **EVALUATION OF ENVIRONMENTAL IMPACTS:**

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to the project. A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards.
2. All answers must take account of the whole action involved. Answers should address off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. "Potentially Significant Impact" is appropriate, if an effect is significant or potentially significant, or if the lead agency lacks information to make a finding of insignificance. If there are one or more "Potentially Significant Impact" entries when the determination is made, preparation of an Environmental Impact Report is warranted.
4. "Potentially Significant Impact Unless Mitigated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVIII, "Earlier Analyses," may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). Earlier analyses are discussed in Section XVIII at the end of the checklist.
6. References to information sources for potential impacts (e.g., general plans, zoning ordinances) have been incorporated into the checklist. A source list has been provided in Section XVIII. Other sources used or individuals contacted have been cited in the respective discussions.
7. The following checklist has been formatted after Appendix G of Chapter 3, Title 14, California Code of Regulations, but has been augmented to reflect the City of Huntington Beach's requirements.

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### ***SAMPLE QUESTION:***

| <i>ISSUES (and Supporting Information Sources):</i>                                                                                                                                                                                                                 | <i>Potentially<br/>Significant<br/>Impact</i> | <i>Potentially<br/>Significant<br/>Unless<br/>Mitigation<br/>Incorporated</i> | <i>Less Than<br/>Significant<br/>Impact</i> | <i>No Impact</i>                    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|-------------------------------------------------------------------------------|---------------------------------------------|-------------------------------------|
| <i>Would the proposal result in or expose people to potential impacts involving:</i>                                                                                                                                                                                |                                               |                                                                               |                                             |                                     |
| <i>Landslides? (Sources: 1, 6)</i>                                                                                                                                                                                                                                  | <input type="checkbox"/>                      | <input type="checkbox"/>                                                      | <input type="checkbox"/>                    | <input checked="" type="checkbox"/> |
| <i>Discussion: The attached source list explains that 1 is the Huntington Beach General Plan and 6 is a topographical map of the area which show that the area is located in a flat area. (Note: This response probably would not require further explanation).</i> |                                               |                                                                               |                                             |                                     |

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| ISSUES (and Supporting Information Sources): | Potentially<br>Significant<br>Impact | Potentially<br>Significant<br>Unless<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact | No Impact |
|----------------------------------------------|--------------------------------------|--------------------------------------------------------------------|------------------------------------|-----------|
|----------------------------------------------|--------------------------------------|--------------------------------------------------------------------|------------------------------------|-----------|

**I. LAND USE AND PLANNING.** Would the project:

- a) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? (Sources:1,2,5) ☐ ☐ ☒ ☐

**Discussion:** The proposed project involves the widening of Atlanta Avenue from Huntington Street to Delaware Street and associated improvements. The General Plan Circulation Element designates Atlanta Avenue as a primary arterial street, both in the current and in the 2010 Circulation Plan of Arterial Highways. As defined in the General Plan, the primary arterial street classification provides sidewalk, curb, gutter, a bike lane, and two through lanes in each direction of travel, separated by a striped median. Currently, the subject segment of Atlanta Avenue provides one lane in each direction, a striped median, and on-street parking along a portion of the north side of the street. The proposed project would bring the subject segment of Atlanta Avenue into compliance with its General Plan classification as well as the Orange County Master Plan of Arterial Highways (MPAH). The project is also consistent with the 2008 Regional Transportation Plan (RTP) of the Southern California Association of Governments (SCAG).

Other improvements of the project include a concrete block retaining wall, which would replace an existing wood fence separating Atlanta Avenue from the existing mobile home park south of Atlanta Avenue. The concrete block retaining wall requires a conditional use permit pursuant to the Huntington Beach Zoning and Subdivision Ordinance (HBZSO), which is part of the project's entitlement request and analyzed as part of the scope of the project within this document. The project also requires acquisition of an additional 25 feet of right-of-way south of Atlanta Avenue. The right-of-way would be acquired from the existing mobile home park immediately south of Atlanta Avenue and would result in the removal of eight homes from their current location in the park. The residents of the eight homes would be required to be relocated pursuant to the Federal Uniform Act and is further discussed under the Population and Housing section of this document. Finally, as the project site is located in the coastal zone, a coastal development permit is required subject to the requirements of Chapter 245 of the HBZSO. The coastal development permit is required to ensure that the project conforms to the California Coastal Act and would not be detrimental to coastal resources and access. As discussed throughout the document, the project would not cause significant environmental impacts to coastal resources and would be improving coastal access by providing a sidewalk and Class-II bike lane and improving an existing Orange County Transit Authority (OCTA) bus stop.

After acquisition of 25 feet of the existing mobile home park for right-of-way, the resulting mobile home park would remain in compliance with the applicable development standards of the HBZSO such as lot size and setbacks. In addition, the resulting density of the mobile home park would be consistent with its General Plan land use designation of Residential Medium Density – 15 units per acre, even if all of the residents choose to relocate within the existing mobile home park.

Based on the analysis above, the project would not conflict with any land use plan, policy or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Less than significant impacts would occur.

- b) Conflict with any applicable habitat conservation plan ☐ ☐ ☐ ☒

ISSUES (and Supporting Information Sources):

|                                      |                                                                    |                                    |           |
|--------------------------------------|--------------------------------------------------------------------|------------------------------------|-----------|
| Potentially<br>Significant<br>Impact | Potentially<br>Significant<br>Unless<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact | No Impact |
|--------------------------------------|--------------------------------------------------------------------|------------------------------------|-----------|

or natural community conservation plan? (Sources:1)

**Discussion:** The project would not conflict with any applicable habitat conservation plan or natural community conservation plan as no such plan is adopted for the City of Huntington Beach. No impacts would occur.

- c) Physically divide an established community?  
(Sources:4)

|                          |                          |                                     |                          |
|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--------------------------|--------------------------|-------------------------------------|--------------------------|

**Discussion:** Although the project involves a street widening project, it would not result in the division of an established community. The project would widen Atlanta Avenue between Huntington Street and Delaware Street to its designated classification and improve circulation in the project area. In order to accomplish the proposed project, acquisition of 25 feet of additional right-of-way is required from the existing mobile home park immediately south of Atlanta Avenue. Upon completion of the construction, the mobile home park would have access and drive aisles in the same location as prior to construction and would not be physically divided. Less than significant impacts would occur.

## II. POPULATION AND HOUSING. Would the project:

- a) Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extensions of roads or other infrastructure)? (Sources:4,5)

|                          |                          |                                     |                          |
|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--------------------------|--------------------------|-------------------------------------|--------------------------|

**Discussion:** The project does not include new residential units or commercial and industrial uses that would induce substantial population growth. The project proposes to widen Atlanta Avenue and therefore would be increasing capacity for the road and indirectly allow for population growth. However, the widening project would bring the subject segment of Atlanta Avenue into compliance with its General Plan Circulation Element designation and would not induce growth that was not previously accounted for in the General Plan. Impacts would be less than significant.

- b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? (Sources:4,5)

|                          |                                     |                          |                          |
|--------------------------|-------------------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|--------------------------|-------------------------------------|--------------------------|--------------------------|

**Discussion:** See discussion under c.

- c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? (Sources:4,5)

|                          |                                     |                          |                          |
|--------------------------|-------------------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|--------------------------|-------------------------------------|--------------------------|--------------------------|

**Discussion b & c:** The proposed project involves the widening of Atlanta Avenue from Huntington Street to Delaware Street and associated improvements. To accomplish the project, acquisition of 25 feet of additional right-of-way is required on the south side of Atlanta Avenue. Along with the acquisition of this 25 feet wide by 630 feet long (approx.) strip of land from the mobile home park immediately south of Atlanta Avenue, eight homes (Unit Nos. 101, 102, 201, 301, 302, 401, 501, and 502) consisting of 14 residents will also need to be removed in order to construct the proposed street widening project. The removal of the homes and displacement of the 14 impacted residents is subject to the relocation requirements under the Federal Uniform

ISSUES (and Supporting Information Sources):

| Potentially<br>Significant<br>Impact | Potentially<br>Significant<br>Unless<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact | No Impact |
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Act. The Federal Uniform Act, passed by Congress in 1970, is a federal law that establishes minimum standards for federally funded programs and projects that require the acquisition of real property or displace persons from their homes, businesses, or farms. The Uniform Act's protections and assistance apply to the acquisition, rehabilitation, or demolition of real property for federal or federally funded projects. Alternatives for the relocation of the units would include on-site relocation, off-site relocation to another park or conventional dwelling unit, or a monetary offer for residents who no longer choose to own a manufactured/mobile home.

Because the City anticipates receiving and using federal funds to construct the project, the City first has to obtain Federal authorization to proceed with the right-of-way phase before it can begin negotiating with the mobile home park owner to acquire the necessary right-of-way. The federal authorization to proceed cannot be granted until environmental review for the project is completed pursuant to the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA). After completion of environmental review and once the authorization to proceed with the right-of-way phase is granted, negotiations to acquire the right-of-way can begin. If the City successfully negotiates land acquisition with the park owner, relocation of the residents would occur at that time. Therefore, the ultimate relocation of the impacted mobile homes/residents is not known at this point because real estate negotiations with the mobile home park owner and residents cannot commence until the City completes environmental review and receives authorization to proceed with the right-of-way phase. While eight homes with 14 residents would not necessarily be considered a substantial relocation, in order to ensure that impacts to the 14 residents that would require relocation is less than significant, the following mitigation measure is recommended:

**POP-1:** *Upon Federal authorization to proceed with right-of-way acquisition, the City shall commence with acquisition and relocation in accordance with the provisions of the Federal Uniform Act. Notification to and discussions with the impacted residents shall occur as soon as feasibly possible pursuant to the Federal Uniform Act. The City shall ensure that a relocation plan is prepared prior to final project plans and relocation is implemented in accordance with the Federal Uniform Act.*

Compliance with the Federal Uniform Act will ensure the proper and fair treatment of the mobile home park owner and displaced residents in an efficient manner during the acquisition and relocation process. With implementation of POP-1, less than significant impacts would occur.

### III. GEOLOGY AND SOILS. Would the project:

- a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

- i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault ? (Sources:1,6,13)

☐ ☐ ☒ ☐

**Discussion:** See discussion under b.

- ii) Strong seismic ground shaking? (Sources:1,6,13)

☐ ☐ ☒ ☐

| ISSUES (and Supporting Information Sources): | Potentially<br>Significant<br>Impact | Potentially<br>Significant<br>Unless<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact | No Impact |
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**Discussion:** See discussion under b.

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| iii) Seismic-related ground failure, including<br>liquefaction? (Sources:1,6,13) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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**Discussion:** See discussion under b.

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| iv) Landslides? (Sources:1,6,13) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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**Discussion:** See discussion under b.

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| b) Result in substantial soil erosion, loss of topsoil, or<br>changes in topography or unstable soil conditions from<br>excavation, grading, or fill? (Sources:1,6,13) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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**Discussion a, b & d:** The project includes the widening of Atlanta Avenue from Huntington Street to Delaware Street and associated improvements. The project site is not identified as an area of potentially unstable slope areas in the General Plan Environmental Hazards Element and is not within the Alquist-Priolo Earthquake Fault Zone. The nearest active fault is the Newport-Inglewood fault located northeast of the project site. Based upon the City's General Plan (Figure EH-12) and Geotechnical Inputs Study, the project site is located within an area with moderate to high potential for expansive soil. In addition, the project site is in an area with a low potential for liquefaction (General Plan Figure EH-7).

The project site is located in the seismically active region of Southern California. Therefore, the site could be subjected to strong ground shaking in the event of an earthquake. The proposed development would be required to comply with the California Building Code (CBC), which includes regulations for projects to be designed to withstand seismic forces. In addition, the project is required to prepare a site specific geotechnical investigation, including subsurface exploration and laboratory testing, to further evaluate the nature and engineering characteristics of the underlying soils. The report will provide recommendations for the design and construction of the project, including recommendations to address liquefaction and expansive soil potential. Adherence to the seismic design and construction parameters of the CBC, the City's Municipal Code and recommendations outlined in a site specific geotechnical investigation, would ensure protection of the project from impacts associated with seismic activity. Less than significant impacts would occur.

The project site has been previously graded and developed with roadway, drainage facilities, walkways and landscaped areas. Although the proposed project has the potential to result in erosion of soils during construction activities, erosion will be minimized by compliance with standard City requirements for submittal of an erosion control plan, for review and approval by the Department of Public Works. In the event that unstable soil conditions occur on the project site due to previous grading, excavation, or placement of fill materials, these conditions would be remedied pursuant to the recommendations in the required geotechnical study for the project site. Less than significant impacts would occur.

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| c) Be located on a geologic unit or soil that is unstable, or<br>that would become unstable as a result of the project,<br>and potentially result in on or off-site landslide, lateral<br>spreading, subsidence, liquefaction or collapse?<br>(Sources:1,6,13) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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ISSUES (and Supporting Information Sources):

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**Discussion:** Refer to response under item b. for discussion of liquefaction and landslides. Subsidence is large-scale settlement of the ground surface generally caused by withdrawal of groundwater or oil in sufficient quantities such that the surrounding ground surface sinks over a broad area. Withdrawal of groundwater, oil, or other mineral resources would not occur as part of the proposed project and, therefore, subsidence is not anticipated to occur. However, in the event of an earthquake in the Huntington Beach area, the site may be subject to ground shaking. The CBC and associated code requirements address lateral spreading and subsidence. Less than significant impacts are anticipated.

- d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? (Sources:1,6,13) ☐ ☐ ☒ ☐

**Discussion:** See discussion under b.

- e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of wastewater (Sources:1,6,13) ☐ ☐ ☐ ☒

**Discussion:** The project does not involve new uses or development that would increase wastewater necessitating alternative wastewater disposal systems or soils capable of supporting them. No impacts would occur.

**IV. HYDROLOGY AND WATER QUALITY.** Would the project:

- a) Violate any water quality standards or waste discharge requirements? (Sources:4,5,14) ☐ ☐ ☒ ☐

**Discussion:** The project involves the widening of Atlanta Avenue from Huntington Street to Delaware Street and associated improvements. The project does not involve new residential, commercial or industrial uses that would generate a source of additional stormwater runoff that would exceed capacity of the existing storm drain system nor would it be a source of a substantial amount of additional polluted runoff. Surface runoff along the south side of Atlanta Avenue, along the mobile home park frontage, will continue to flow easterly towards the existing storm drain system at Delaware Street. Drainage in the mobile home park is conveyed via a network of concrete v-gutters and flows southerly to an existing sump system within the park and then out to the existing public storm drain system at Delaware Street. The street widening will require grading that may result in minor changes to the existing site elevation due to the relocation of the curb and gutter. Likewise, the reconstruction of the on-site drive aisle within the existing mobile home park will require grading work to transition from the "new" grades of the street widening to the existing elevations of the park. Ultimately, however, the storm water will continue to drain as it does today. Existing site conditions, including the amount of impervious area, site elevations, and drainage patterns would generally be the same upon completion of the project.

Since the project site is greater than one acre, the project is subject to the provision of the General Construction Activity Stormwater Permit of the State Water Resources Control Board (SWRCB). The City must submit a Notice of Intent (NOI) to the SWRCB for coverage under the Statewide General Construction Activity Stormwater Permit and must comply with all applicable requirements, including preparation of a

| ISSUES (and Supporting Information Sources): | Potentially<br>Significant<br>Impact | Potentially<br>Significant<br>Unless<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact | No Impact |
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Stormwater Pollution Prevention Plan (SWPPP) and applicable National Pollution Discharge Elimination System (NPDES) regulations. The SWPPP will establish Best Management Practices (BMPs) for construction of the facility, including source, site and treatment controls to be installed and maintained at the site. In addition, all construction activities would comply with the City's Grading Manual and the Grading and Excavations Chapter of the Huntington Beach Municipal Code (HBMC). These guidelines include specifications to minimize the effects from erosion during construction. Therefore, compliance with the Statewide General Construction Activity Stormwater Permit and all applicable codes, would ensure impacts on water quality would be less than significant.

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| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted?<br>(Sources:4,5,14) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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**Discussion:** The project does not propose new residences or commercial or industrial uses that would require additional water demand that would substantially deplete groundwater supplies. The project would require minimal water for landscaping irrigation. The amount of post-construction impervious surface would remain the same as pre-project conditions (71% paving and buildings; 29% landscaping) and therefore, would not interfere with groundwater recharge such that there would be a lowering of the groundwater table or aquifer volume. Less than significant impacts would occur.

- |                                                                                                                                                                                                                                                       |                          |                          |                                     |                          |
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| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off-site?<br>(Sources:4,5,14) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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**Discussion:** See discussion under d.

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| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off-site? (Sources:4,5,14) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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**Discussion c & d:** The project involves the widening of Atlanta Avenue from Huntington Street to Delaware Street and associated improvements. The entire project site, which includes the segment of Atlanta Avenue proposed to be widened and the existing northern portion of the mobile home park south of Atlanta Avenue, has been previously graded. The project would not result in a significant change in existing topographical conditions or site elevations such that the existing drainage pattern would be altered resulting in substantial erosion and siltation on or off-site. In addition, the amount of post-construction impervious area relative to pervious area would remain the same as pre-project conditions. Given that the site conditions (ratio of pervious to impervious area) and elevations would remain relatively unchanged, an increased rate or amount of surface runoff that could result in on or off-site flooding is not anticipated to occur. Impacts would be less

ISSUES (and Supporting Information Sources):

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| than significant.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                      |                                                                    |                                     |                          |
| e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? (Sources:4,5,14)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <input type="checkbox"/>             | <input type="checkbox"/>                                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <b>Discussion:</b> See discussion under a & d.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                      |                                                                    |                                     |                          |
| f) Otherwise substantially degrade water quality? (Sources:4,5,14)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <input type="checkbox"/>             | <input type="checkbox"/>                                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <b>Discussion:</b> See discussion under a.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                      |                                                                    |                                     |                          |
| g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? (Sources:7)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <input type="checkbox"/>             | <input type="checkbox"/>                                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <b>Discussion:</b> See discussion under j.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                      |                                                                    |                                     |                          |
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? (Sources:7)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <input type="checkbox"/>             | <input type="checkbox"/>                                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <b>Discussion:</b> See discussion under j.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                      |                                                                    |                                     |                          |
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? (Sources:4,5,14)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <input type="checkbox"/>             | <input type="checkbox"/>                                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <b>Discussion:</b> See discussion under j.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                      |                                                                    |                                     |                          |
| j) Inundation by seiche, tsunami, or mudflow? (Sources:1)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <input type="checkbox"/>             | <input type="checkbox"/>                                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <b>Discussion g – j:</b> The project involves the widening of Atlanta Avenue from Huntington Street to Delaware Street and associated improvements. The project site is located in FEMA flood zone X and would not place housing or structures within a 100-year flood hazard area. The nearest flood control channel is located approximately 1,700 feet from the project site and would not pose a significant risk for potential flooding on the project site. The project site is mapped as a moderate tsunami run-up area in the Environmental Hazards Element of the General Plan. However the project does not propose new commercial or industrial uses or residences that would expose a substantial number of people to inundation by tsunami, seiche or mudflow. Impacts would be less than significant. |                                      |                                                                    |                                     |                          |
| k) Potentially impact stormwater runoff from construction activities? (Sources:4,5,14)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <input type="checkbox"/>             | <input type="checkbox"/>                                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

ISSUES (and Supporting Information Sources):

| Potentially<br>Significant<br>Impact | Potentially<br>Significant<br>Unless<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact | No Impact |
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**Discussion:** See discussion under a.

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| l) Potentially impact stormwater runoff from post-construction activities? (Sources:4,5,14) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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**Discussion:** See discussion under a & d.

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| m) Result in a potential for discharge of stormwater pollutants from areas of material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas, loading docks or other outdoor work areas? (Sources:4,5,14) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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**Discussion:** The project does not include new uses that would involve vehicle or equipment fueling or maintenance, waste handling, storage, delivery areas or loading docks and outdoor work areas. Although project construction may include vehicle and equipment maintenance, material storage and outdoor work areas, the project is required to follow existing requirements for construction to ensure that impacts to water quality during construction would be less than significant. See discussion under a & d.

- |                                                                                                                                |                          |                          |                                     |                          |
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| n) Result in the potential for discharge of stormwater to affect the beneficial uses of the receiving waters? (Sources:4,5,14) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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**Discussion:** See discussion under a & d.

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| o) Create or contribute significant increases in the flow velocity or volume of stormwater runoff to cause environmental harm? (Sources:4,5,14) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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**Discussion:** See discussion under a & d.

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| p) Create or contribute significant increases in erosion of the project site or surrounding areas? (Sources:4,5,14) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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**Discussion:** See discussion under a & d.

V. **AIR QUALITY.** The city has identified the significance criteria established by the applicable air quality management district as appropriate to make the following determinations. Would the project:

- |                                                                                                                                 |                          |                                     |                          |                          |
|---------------------------------------------------------------------------------------------------------------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|
| a) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? (Sources:19) | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
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**Discussion:** See discussion under e.



ISSUES (and Supporting Information Sources):

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| b) Expose sensitive receptors to substantial pollutant concentrations? (Sources:19)                                                                                                                                                                                                                      | <input type="checkbox"/>             | <input checked="" type="checkbox"/>                                | <input type="checkbox"/>            | <input type="checkbox"/> |
| <b>Discussion:</b> See discussion under e.                                                                                                                                                                                                                                                               |                                      |                                                                    |                                     |                          |
| c) Create objectionable odors affecting a substantial number of people? (Sources:19)                                                                                                                                                                                                                     | <input type="checkbox"/>             | <input type="checkbox"/>                                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <b>Discussion:</b> See discussion under e.                                                                                                                                                                                                                                                               |                                      |                                                                    |                                     |                          |
| d) Conflict with or obstruct implementation of the applicable air quality plan? (Sources:19)                                                                                                                                                                                                             | <input type="checkbox"/>             | <input type="checkbox"/>                                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <b>Discussion:</b> See discussion under e.                                                                                                                                                                                                                                                               |                                      |                                                                    |                                     |                          |
| e) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? (Sources:19) | <input type="checkbox"/>             | <input type="checkbox"/>                                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

ISSUES (and Supporting Information Sources):

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**Discussion a – e:** The project involves the widening of Atlanta Avenue from Huntington Street to Delaware Street and associated improvements including new curb, gutter, sidewalk, landscaping, and retaining wall. The City of Huntington Beach is located within the South Coast Air Basin, which is regulated by the South Coast Air Quality Management District (SCAQMD). The entire Basin is designated as a national- and State-level nonattainment area for Ozone, carbon monoxide (CO), respirable particulate matter (PM<sub>10</sub>) and fine particulate matter (PM<sub>2.5</sub>). Sensitive receptors in the area include residents in nearby developments to the north, south and east. The nearest sensitive receptors would be residents of the existing mobile home park from which the project proposes to acquire right-of-way. These residents are within 50 feet of the project's construction boundary. The analysis in this section is based on a November 2009 Air Quality Report prepared by the Chambers Group.

**Air Quality Management Plan (AQMP)**

The project is designed to bring the subject segment of Atlanta Avenue into compliance with the General Plan designation and County of Orange Master Plan of Arterial Highways (MPAH). The Orange County Transit Authority (OCTA) is a member of the Southern California Association of Governments (SCAG) and is responsible for administering the MPAH. Since OCTA is a member of SCAG and SCAG developed the 2007 AQMP Transportation Conformity Budgets that were adopted by the SCAQMD as part of the AQMP, the project is considered consistent with the AQMP. In addition, projects that are consistent with the General Plan are generally considered to be consistent with the AQMP since the AQMP is based upon forecasted General Plan buildout and growth.

**Construction Emissions**

Construction emissions were calculated based on localized and regional significance thresholds for certain pollutants. The table below provides a summary of the project's construction emissions compared to the SCAQMD thresholds of significance.

|                                                       | Emissions (Lbs/day) |     |      |                  |                   |                 |
|-------------------------------------------------------|---------------------|-----|------|------------------|-------------------|-----------------|
|                                                       | CO                  | ROG | NOx  | PM <sub>10</sub> | PM <sub>2.5</sub> | SO <sub>2</sub> |
| Estimated Construction Emissions for proposed project | 20.5                | 4.5 | 36.6 | 21.8             | 5.8               | <1              |
| Regional Significance Threshold                       | 550                 | 75  | 100  | 150              | 55                | 150             |
| Exceed Threshold?                                     | NO                  | NO  | NO   | NO               | NO                | NO              |
| Localized Significance Threshold                      | 1,711               | N/A | 197  | 14               | 9                 | N/A             |
| Exceed Threshold?                                     | NO                  |     | NO   | YES              | NO                |                 |

The project would not result in an exceedence of any regionally significant thresholds, but would result in an exceedence of localized significance thresholds (LST) for PM<sub>10</sub>. LSTs are developed based on the ambient concentrations of a pollutant for each source receptor area and the distance to the nearest sensitive receptor to determine a project's localized air quality impacts. The SCAQMD has developed LSTs for projects 5 acres or less in total area. The City of Huntington Beach is in the North Coastal Orange County source receptor area.

ISSUES (and Supporting Information Sources):

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Since the project would result in construction emissions that exceed the SCAQMD LST for PM<sub>10</sub> mitigation is required. The project is required to comply with SCAQMD Rule 403 – Fugitive Dust to control construction emissions. In addition, implementation of the following mitigation measure would reduce construction emissions to a less than significant level.

**AQ-1:** *The City shall require, by contract specifications, implementation of the following measures:*

- *All work shall be done in accordance with the "GREENBOOK" Standard Specifications for Public Works Construction, 2009 Edition, as written and promulgated by Public Works Standards, Inc.*
- *The construction contractor shall not discharge smoke, dust, equipment exhaust, or any other air contaminants into the atmosphere in such quantity as will violate any federal, State or local regulations. (Greenbook Section 7-8.2)*
- *The contractor shall comply with Caltrans' Standard Specification Section 7-1.01F and Section 10 of Caltrans' Standard Specifications (1999).*
- *The contractor shall apply water or dust palliative to the site and equipment as frequently as necessary to control fugitive dust emissions.*
- *The contractor shall spread soil binder on any unpaved roads used for construction purposes and all project construction parking areas.*
- *The contractor shall wash trucks as they leave the right-of-way as necessary to control fugitive dust.*
- *The contractor shall properly tune and maintain construction equipment and vehicles and use low-sulfur fuel in all construction equipment as provided in the California Code of Regulations Title 17, Section 93114.*
- *The contractor shall develop a dust control plan documenting sprinkling, temporary paving, speed limits, and expedited revegetation of disturbed slopes as needed to minimize construction impacts to adjacent uses and residents.*
- *The contractor shall locate equipment and materials storage as far away from residential as practical.*
- *The contractor shall establish environmentally sensitive areas for receptors within which construction activities involving extended idling of diesel equipment would be prohibited to the extent feasible.*
- *The contractor shall use track out reduction measures such as gravel pads at project access points to minimize dust and mud deposits on roads affected by construction traffic.*
- *The contractor shall require that all transported loads of soil and wet materials shall be covered prior to transport, or provide adequate freeboard to reduce PM<sub>10</sub> and deposition of particulate matter during transportation.*
- *The contractor shall route and schedule construction traffic to avoid peak travel times as much as possible to reduce congestion and related air quality impacts caused by idling along local roads.*
- *The contractor shall install landscaping as soon as practical after grading to reduce windblown particulate in the area.*
- *The contractor shall implement a street sweeping program with Rule 1186-compliant PM<sub>10</sub>-efficient vacuum units on at least a 14-day frequency.*
- *The contractor shall abate dust nuisance by cleaning, sweeping and spraying with water, or other means as necessary. (Greenbook Section 7-8.1)*
- *The contractor shall provide a self-loading motorized street sweeper equipped with a functional water spray system. The sweeper shall clean all paved areas within the work site and all pave haul routes at least once a day. (Greenbook Section 7-8.1)*

## ISSUES (and Supporting Information Sources):

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| Potentially<br>Significant<br>Impact | Potentially<br>Significant<br>Unless<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact | No Impact |
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Since the Road Construction Model for calculating emissions does not have built-in methodology to quantify reductions from each of the listed measures, an estimate for mitigated PM<sub>10</sub> construction emissions is not available. Implementation of Rule 403 can result in up to a 50 percent reduction. Given that the project's emissions exceeded the LST by only 40 percent, it can be reasonably assumed that implementation of the recommended mitigation measures combined with compliance with Rule 403 would reduce the project's emissions below the threshold and to a less than significant level.

### Post-construction/Long-term emissions

Typically, road widening projects are not assumed to have significant long-term air quality impacts. The project is not a development project that would introduce new residential, commercial or industrial uses that would be an indirect source of air quality pollutants. The proposed project would improve existing traffic operations and alleviate an existing "choke point" on Atlanta Avenue improving circulation and reducing potential vehicle queuing and idling. The "stop-and-go" speeds associated with the "choke point" and vehicle queuing are generally the largest source of vehicle emissions. Since the project would alleviate these issues, concentration of vehicle exhaust in the area may also be reduced. Therefore, the project would result in less than significant long-term/operational impacts to air quality.

### Odors

Objectionable odors from the project may result during construction from equipment exhaust as well as from installation of the asphalt paving. However, construction is anticipated to last approximately six months. In addition, odor emissions would disperse rapidly from the site and would not cause significant effects affecting a substantial number of people. Odors from vehicle exhaust emissions after completion of the street widening would likely be less than pre-project conditions as the project would eliminate a point of congestion and reduce vehicle idling, thereby reducing the concentration of objectionable odors from vehicle exhaust in the project area. Less than significant impacts would occur.

The project, with implementation of AQ-1, would not violate any air quality standard or contribute substantially to an existing or projected air quality violation. In addition, since the project, with mitigation, would not result in an exceedence of established thresholds, the project would not result in exposure of sensitive receptors to substantial pollutant concentrations. As the project is consistent with the AQMP and, with mitigation, does not result in an exceedence of thresholds for non-attainment pollutants and ozone precursors NO<sub>x</sub> and VOC, it would not result in cumulatively considerable impacts to air quality and less than significant impacts would occur.

## VI. TRANSPORTATION/TRAFFIC. Would the project:

- a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?  
(Sources:16)

☐ ☐ ☒ ☐

**Discussion:** See discussion under b.

ISSUES (and Supporting Information Sources):

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| b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?<br>(Sources:16) | <input type="checkbox"/>             | <input type="checkbox"/>                                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

**Discussion a & b:** The proposed project involves the widening of Atlanta Avenue from Huntington Street to Delaware Street and associated improvements. The subject segment of Atlanta Avenue from Huntington Street to Delaware Street is designated as a primary arterial in the General Plan Circulation Element and Orange County Master Plan of Arterial Highways (MPAH). As defined in the General Plan, the primary arterial street classification provides sidewalk, curb, gutter, a bike lane, and 2 through lanes in each direction of travel, separated by a striped median. The proposed project would bring the subject segment of Atlanta Avenue into compliance with its primary arterial designation of the General Plan and MPAH. The subject segment of Atlanta Avenue is also an existing Orange County Transit Authority (OCTA) transit route. The current transit activity turning from Huntington Street and stopping on Atlanta Avenue is constrained due to the substandard width of the existing roadway, the tight turning radius at the southeast corner of Atlanta Avenue and Huntington Street, and the presence of cyclists who share the roadway on this segment of Atlanta Avenue. Widening the roadway to provide 2 eastbound travel lanes and a designated bike lane will help to reduce the impacts of the existing bus stop (located approx. 100 ft. east of Huntington Street) and improve the ability of the roadway to accommodate bus turns.

During construction, there may be some vehicle delay during various stages of the project. In addition, construction traffic from truck haul trips and workers entering and exiting the project site would add to the existing traffic conditions. However, project construction would be temporary lasting up to six months and is required to implement a traffic control plan, subject to review and approval by the Department of Public Works, during construction to minimize disruption to motorists within the project area. The project would require soil import and export and, at most, would require approximately 345 total haul trips (based on a nine cubic yard truck capacity), which could result in 10 – 30 truck trips per day depending on the construction schedule. The number of haul trips would be considered in the traffic control plan and measures to reduce air quality would require that the haul trip schedule avoid peak traffic times. The requirement for a traffic control plan as well as the relatively minimal number of daily trips would not result in significant impacts to traffic during construction such that the level of service on Atlanta Avenue and surrounding streets would be impacted.

A traffic analysis was prepared for the proposed project by Austin Foust Associates in March, 2009. The analysis studied three intersections within or adjacent to the project area: Atlanta Avenue/First Street; Atlanta Avenue/Huntington Street; and Atlanta Avenue/Delaware Street. The intersection of Atlanta Avenue and First Street is currently signalized. The other two study intersections are currently unsignalized. The Atlanta Avenue/Huntington Street intersection is currently being signalized as part of another project while the intersection at Delaware will remain an unsignalized two-way stop-controlled intersection.

The study analyzed traffic impacts with and without the project for existing conditions and build-out conditions of the year 2030. The performance criteria used were based on peak hour intersection volumes. Intersection capacity utilization (ICU) values were calculated for each of the AM and PM peak hours. The ICUs represent volume to capacity (V/C) ratios for these time periods and, with their associated level of service (LOS), provide an adequate measure of performance.

ISSUES (and Supporting Information Sources):

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The analysis concluded that the widening project will improve the performance of the project's study intersections. For instance, without the widening project, the Huntington Street/Atlanta Avenue intersection would operate at LOS F for the year 2030 scenario. With the project, the intersection would operate at LOS A. In addition, the stop-controlled movements at the Delaware Street/Atlanta Avenue intersection would operate at LOS F and experience a significant delay in 2030 without the project. With the project, the intersection would operate at LOS E in the AM peak hour and would still operate at LOS F in the PM peak hour, but experience a substantially reduced delay in both the AM and PM peak hours. Therefore, less than significant impacts would occur. In addition, the overall traffic operations as a transit corridor will be enhanced with the proposed street widening by minimizing delays and the associated impacts.

- c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? (Sources:11)
- |                          |                          |                          |                                     |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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**Discussion:** The proposed project involves the widening of Atlanta Avenue from Huntington Street to Delaware Street and associated improvements. Although the City is located within the Airport Environs Land Use Plan for Joint Forces Training Base Los Alamitos, the project will not result in the development of new structures or buildings that would interfere with existing airspace or flight patterns. No impacts would occur.

- d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses? (Sources:4,16)
- |                          |                          |                                     |                          |
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| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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**Discussion:** See discussion under e.

- e) Result in inadequate emergency access? (Sources:4,16)
- |                          |                          |                                     |                          |
|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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**Discussion d & e:** The proposed project involves the widening of Atlanta Avenue from Huntington Street to Delaware Street and associated improvements. In addition to providing additional vehicular travel lanes, the project will remove an existing "choke point" at the intersection of Atlanta Avenue and Huntington Street, which will reduce existing traffic hazards and minimize vehicular conflicts, thereby improving emergency access within the project area. The project will also improve the safety of bicyclists and pedestrians by constructing a designated bike lane and sidewalk that currently do not exist within the subject segment on the south side of Atlanta Avenue. An existing fire lane and two emergency access gates within the existing mobile home park will be moved and reconstructed in the same location (relative to the property line) within the mobile home park. Atlanta Avenue will remain open during construction and a traffic control plan, which will address emergency access, is required to be implemented during construction. Less than significant impacts would occur.

- f) Result in inadequate parking capacity? (Sources:4,16)
- |                          |                          |                                     |                          |
|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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| ISSUES (and Supporting Information Sources): | Potentially<br>Significant<br>Impact | Potentially<br>Significant<br>Unless<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact | No Impact |
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**Discussion:** The project does not propose new structures or uses that would generate additional parking demand within the project area resulting in inadequate parking capacity. During project construction, workers will park at a designated staging area, subject to approval by the Department of Public Works, to avoid impacting existing on-street parking spaces on the north side of Atlanta Avenue. The project does not propose to remove any on-street parking spaces nor will any common parking spaces within the mobile home park be removed. No public parking lots or required coastal access parking will be utilized for the project. Less than significant impacts would occur.

- |                                                                                                                                                                                                       |                          |                          |                                     |                          |
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| g) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? (Sources:4,16) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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**Discussion:** The proposed project involves the widening of Atlanta Avenue from Huntington Street to Delaware Street and associated improvements. These improvements include construction of a new ADA accessible sidewalk, Class II bike lane and a new OCTA bus stop along the south side of Atlanta Avenue. The subject segment of Atlanta Avenue does not currently have a sidewalk or designated bike lane. The bus stop is existing, but does not meet current OCTA transit stop standards. Because the current roadway narrows at the intersection of Huntington Street and Atlanta Avenue, traffic flow is often impeded when the bus makes stops at this location. In addition, bicyclists are currently forced into travel lanes due to the roadway narrowing and the existing transit stop configuration. The project would improve the current conditions with the installation of the proposed improvements and would improve traffic safety for pedestrians, bicyclists and transit users traveling within the project area. Less than significant impacts would occur.

## **VII. BIOLOGICAL RESOURCES.** Would the project:

- |                                                                                                                                                                                                                                                                                                                                |                          |                          |                          |                                     |
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| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? (Sources:1,4) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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**Discussion:** See discussion under e.

- |                                                                                                                                                                                                                                                                 |                          |                          |                          |                                     |
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| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service? (Sources:1,4) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

**Discussion:** See discussion under e.

- |                                                                                                                                                                           |                          |                          |                          |                                     |
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| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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| ISSUES (and Supporting Information Sources): | Potentially<br>Significant<br>Impact | Potentially<br>Significant<br>Unless<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact | No Impact |
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coastal, etc.) through direct removal, filling, hydrological interruption, or other means?  
(Sources:1,4)

**Discussion:** See discussion under e.

- |                                                                                                                                                                                                                                                 |                          |                                     |                          |                          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites? (Sources:1,4) | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
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**Discussion:** See discussion under e.

- |                                                                                                                                                     |                          |                          |                                     |                          |
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| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (Sources:1,2,4) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

**Discussion:** The proposed project involves the widening of Atlanta Avenue from Huntington Street to Delaware Street and associated improvements. The project area consists of existing roadway and a mobile home park. These uses have been existing since the 1920s and 1950s respectively. The project site does not consist of riparian or sensitive habitat and there is no potential for wetlands to occur within or adjacent to the project area. In addition, the site is not delineated on any federal, state or local maps as a wetlands area. The project does not have the potential to impact the habitat of special status species.

The project proposes to remove existing landscaping within the project area along Atlanta Avenue and within the mobile home park. Existing landscaping along Atlanta Avenue consists of primarily non-native species and no trees are proposed for removal along Atlanta Avenue. A total of 25 trees, including several Monterey pines, would be either removed from or relocated within the mobile home park. The project is subject to a standard requirement for the replacement of any existing mature healthy trees to be removed within the mobile home park at a 2:1 ratio. Existing vegetation adjacent to the project area is limited to parkway trees and landscape planters across Atlanta Avenue, approximately 40 feet from the project area. All existing vegetation outside the project area will not be removed or impacted by the proposed street widening project. Vegetation removal and construction vehicle traffic may result in the disturbance of nesting species protected by the Federal Migratory Bird Treaty Act (MBTA). The MBTA protects over 800 species, including geese, ducks, shorebirds, raptors, songbirds, and many relatively common species. Although existing trees within and near the project site may contain nesting areas for birds, the project site does not serve as a wildlife corridor or habitat linkage as it is essentially isolated vegetation within an urbanized area. Notwithstanding, the Federal Migratory Bird Treaty Act protects migratory birds and their occupied nests and eggs and as such, any vegetation removal should occur outside of the bird-nesting season. To ensure that the project complies with the MBTA and impacts would be less than significant, the following mitigation measure is recommended:

**BIO-1:** *Prior to the onset of ground disturbance activities, the project developer shall implement the following mitigation measure which entails nesting surveys and avoidance measures for sensitive nesting and MBTA species, and appropriate agency consultation.*

*Nesting habitat for protected or sensitive species:*

- 1) *Vegetation removal and construction shall occur between September 1 and January 31 whenever*



ISSUES (and Supporting Information Sources):

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- feasible.*
- 2) *Prior to any construction or vegetation removal between February 15 and August 31, a nesting survey shall be conducted by a qualified biologist of all habitats within 500 feet of the construction area. Surveys shall be conducted no less than 14 days and no more than 30 days prior to commencement of construction activities and surveys will be conducted in accordance with California Department of Fish and Game (CDFG) protocol as applicable. If no active nests are identified on or within 500 feet of the construction site, no further mitigation is necessary. A copy of the pre-construction survey shall be submitted to the City of Huntington Beach. If an active nest of a MBTA protected species is identified onsite (per established thresholds), a 250-foot no-work buffer shall be maintained between the nest and construction activity. This buffer can be reduced in consultation with CDFG and/or U.S. Fish and Wildlife Service.*
  - 3) *Completion of the nesting cycle shall be determined by a qualified ornithologist or biologist.*

With implementation of standard code requirements and the recommended mitigation measure, which ensures compliance with the MBTA, less than significant impacts would occur.

- |                                                                                                                                                                                                  |                          |                          |                          |                                     |
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| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (Sources:1) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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**Discussion:** There is no Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan for the area; therefore, no impacts are anticipated.

**VIII. MINERAL RESOURCES.** Would the project:

- |                                                                                                                                                    |                          |                          |                          |                                     |
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| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (Sources:1) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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**Discussion:** See discussion under b.

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| b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan? (Sources:1) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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ISSUES (and Supporting Information Sources):

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**Discussion a & b:** Although Huntington Beach has been the site of oil and gas extraction since the 1920s, oil production has decreased over the years, and today, oil producing wells are scattered throughout the City. The proposed project involves the widening of Atlanta Avenue from Huntington Street to Delaware Street and associated improvements. The project site is not designated as a known or important mineral resource recovery site in the General Plan or any other land use plan. In addition, the project area has been used as a road since at least 1927 and the mobile home park was developed in the 1950s. A Phase I Environmental Site Assessment conducted by WorleyParsons in October 2009, indicates that no current or former oil wells are present at the site and there is no evidence of the release of petroleum products within the project area. Therefore, the proposed project will not result in the loss of a known mineral resource or a mineral resource recovery site. No impacts would occur.

**IX. HAZARDS AND HAZARDOUS MATERIALS.**

Would the project:

- |                                                                                                                                                             |                          |                          |                          |                                     |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (Sources:4,5,17,18) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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**Discussion:** See discussion under c.

- |                                                                                                                                                                                                                     |                          |                          |                                     |                          |
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| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (Sources:4,5,17,18) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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**Discussion:** See discussion under c.

- |                                                                                                                                                                                    |                          |                          |                                     |                          |
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| c) Emit hazardous emissions or handle hazardous or acutely hazardous material, substances, or waste within one-quarter mile of an existing or proposed school? (Sources:4,5,17,18) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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**Discussion a – c:** The nearest school, Peterson Elementary School, is approximately half a mile from the project site. In addition, the project does not propose new structures or uses that will involve the routine transport, use or disposal of hazardous materials. The project does not provide on-site fuel dispensing, underground, or outdoor storage of hazardous materials. Hazardous or flammable substances that would be used during the construction phase include vehicle fuels and oils in the operation of heavy equipment for onsite excavation and construction. Construction vehicles may require routine or emergency maintenance that could result in the release of oil, diesel fuel, transmission fluid or other materials. The proposed construction operation would be required to comply with all State and local regulations to minimize risks associated with accident conditions involving the release of hazardous materials.

According to the Phase I Environmental Site Assessment (WorleyParsons, October 2009) prepared for the project, the project site does not have any evidence of dumping, landfilling, stained soils, distressed vegetation, or other evidence suggesting the possible release of hazardous substances. However, because the site has been historically used as a roadway, it was concluded that aerially deposited lead (ADL) from

ISSUES (and Supporting Information Sources):

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automobile exhaust could be present in shallow soils. As such a Phase II Environmental Site Assessment was recommended to determine the nature and extent of ADL in the on-site soils so that the soil can be properly managed (either reused on-site or disposed of) in accordance with State regulations. In March 2010, a Phase II Environmental Site Assessment to investigate for the presence of ADL was conducted for the project.

The Phase II site investigation included soil borings and hand augering of varying depths to collect soil samples for laboratory analysis. Based on the laboratory analysis, concentrations of ADL in the soil would not have to be classified as Resource Conservation and Recovery Act (RCRA) hazardous waste. Therefore, the on-site soils may be re-used on site, pursuant to Department of Toxic Substance Control (DTSC) protocols, or, if removed and disposed of off-site, would not be classified as RCRA-hazardous waste. Other metals and contaminants found to be present in the soil, such as arsenic, were representative of background concentrations and would not pose significant human health risks above comparison levels.

Discovery of additional soil contamination during ground disturbing activities is required to be reported to the Fire Department immediately and the approved work plan modified accordingly in compliance with City Specification #431-92. All fill soil (on-site and imported) shall meet City Specification #431-92 – Soil Cleanup Standards and would be submitted to the Fire Department for review and joint approval with the Public Works Department prior to issuance of a grading permit. With implementation of standard City specifications and other applicable State and federal requirements, less than significant impacts would occur.

- d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? (Sources:17)
- |                          |                          |                          |                                     |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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**Discussion:** The project site is not listed on the State's Hazardous Waste and Substance Site List. According to the Phase I Environmental Site Assessment the project site is not listed on any regulatory database of hazardous sites. No impacts would occur.

- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? (Sources:11)
- |                          |                          |                          |                                     |
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| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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**Discussion:** See discussion under f.

- f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? (Sources:4,11)
- |                          |                          |                          |                                     |
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ISSUES (and Supporting Information Sources):

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**Discussion e & f:** The project area is not within the vicinity of a private airstrip. Although the City is located within the Planning Area for the Joint Force Training Center, Los Alamitos, the project site is not located within the height restricted boundaries identified in the Airport Environs Land Use Plan or within two miles of any known public or private airstrip. In addition, the proposed project does not propose any new structures with heights that would interfere with existing airspace or flight patterns. No impacts would occur.

- g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (Sources:1) ☐ ☐ ☒ ☐

**Discussion:** The project involves the widening of Atlanta Avenue from Huntington Street to Delaware Street and associated improvements. The proposed project will not impede access to the surrounding area both during construction and after the project is complete. Primary access to the adjacent mobile home park is located on Huntington Street and will not be impacted by the proposed project. There are two gated emergency access drives to the mobile home park on Atlanta Avenue that are not used by residents. These access drives are proposed to be removed and relocated to the same location on the site as part of the project. In addition, Atlanta Avenue will remain open during construction. To minimize impacts during construction, a traffic control plan is required to be implemented during construction. The project will not impair implementation of or physically interfere with any adopted emergency response plan or evacuation plan. Less than significant impacts would occur.

- h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? (Sources:1,4) ☐ ☐ ☐ ☒

**Discussion:** The project area includes Atlanta Avenue, a primary arterial in the City, and an existing mobile home development adjacent to Atlanta Avenue. There are no wildlands within or surrounding the project area. No impacts would occur.

**X. NOISE.** Would the project result in:

- a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? (Sources:15) ☐ ☐ ☒ ☐

**Discussion:** See discussion under d.

- b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? (Sources:15) ☐ ☐ ☒ ☐

**Discussion:** See discussion under d.

| ISSUES (and Supporting Information Sources): | Potentially<br>Significant<br>Impact | Potentially<br>Significant<br>Unless<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact | No Impact |
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| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (Sources:15) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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**Discussion:** See discussion under d.

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| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (Sources:14,15) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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**Discussion a – d:** The proposed project involves the widening of Atlanta Avenue from Huntington Street to Delaware Street and associated improvements. The associated improvements include replacement of an existing wood fence with a concrete block wall separating Atlanta Avenue from the mobile home park. Residential uses surround the project site to the north, south and east. A noise study report was prepared for the project by the Chambers Group in April 2010.

#### Short-term/Construction Noise

Construction of the proposed project would increase noise and vibration levels in the vicinity of the project area. Construction noise and vibration would be temporary (lasting up to six months) and intermittent depending on the type of equipment being used and the stage of construction. Intermittent noise levels during construction activities could reach up to 98 decibels (dBA), which is an increase of up to 25 dBA over existing noise levels. Chapter 8.40 – Noise of the Huntington Beach Municipal Code (HBMC) exempts noise related to construction provided all construction activities occur between the hours of 7:00 AM and 8:00 PM Monday - Saturday. Construction activities are prohibited Sundays and Federal holidays. The proposed project, would be required to follow standard protocols for public works projects and construction activities would occur Monday – Friday between the hours of 7:00 AM and 4:00 PM, which is more restrictive than the City's Noise Ordinance. Therefore, impacts from noise and vibration during construction would be considered less than significant.

Even though construction noise impacts are less than significant, the following measures are recommended to reduce the annoyance construction noise can have on residents surrounding the project site.

**NOISE-1:** *The City shall require by contract specifications the following measures:*

- *Ensure that all construction equipment has sound-control devices.*
- *Prohibit equipment with un-muffled exhaust.*
- *Site staging of equipment as far away from sensitive receptors as possible.*
- *Limit idling of equipment whenever possible.*
- *Notify adjacent residents in advance of construction work.*
- *Educate contractors and employees to be sensitive to noise impact issues and noise control methods.*
- *Install temporary acoustic barriers between the mobile home removal and construction activities and the row of mobile homes to remain closest to Atlanta Avenue. Acoustical barriers should provide a Sound Transmission Class Rating of 25 and should be situated in a manner to provide an uninterrupted continuous barrier between all mobile home removal and road construction activities. During the mobile home removal activities, the barriers should stretch from the east edge of the property to the west and zig-zag between homes where necessary. After removal of the mobile homes and prior to construction of the drive aisle*

ISSUES (and Supporting Information Sources):

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*within the mobile home property, the barrier can be straightened to stretch more directly from the east property line to the west property line.*

Long-term/Operational Noise

Traffic noise levels were predicted using the Federal Highway Administration (FHWA) Traffic Noise Model and were evaluated under existing conditions, Year 2030 conditions without the project and Year 2030 conditions with the project. The model included existing noise barriers such as existing fencing at surrounding sites as well as the proposed concrete block retaining wall for the Year 2030 With Project scenario. Traffic noise levels are considered significant when predicted future (2030) noise levels are at least 12 dB greater than existing noise levels or when the predicted noise levels approach or exceed the Noise Abatement Criteria (NAC) for the applicable activity category (in this case, 67 dBA  $L_{eq}(h)$ ). Based on the analysis in the Noise Study Report, traffic volumes associated with the proposed project would not result in significant increases over existing noise levels nor will the project approach or exceed the established NAC. For the mobile home park, traffic noise levels upon project completion would be reduced from existing conditions likely due to the replacement of the wood fence with a concrete block wall. Less than significant noise impacts would occur. Similarly, long-term vibration impacts generally associated with traffic volumes and traffic noise levels would also be less than significant.

Therefore, the project would not result in significant temporary or permanent noise and vibration impacts and would not result in an exceedence of applicable noise standards. Less than significant impacts would occur.

- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? (Sources:11)

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**Discussion:** See discussion under f.

- f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? (Sources:4,11)

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**Discussion e & f:** The proposed project involves the widening of Atlanta Avenue from Huntington Street to Delaware Street and associated improvements. The project is not within two miles of a public airport or a private airstrip. Although the City is located within the Airport Environs Land Use Plan for Joint Forces Training Base Los Alamitos, the project will not result in the development of new structures or buildings that would expose people residing or working in the area to excessive noise levels. No impacts would occur.

**XI. PUBLIC SERVICES.** Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

| ISSUES (and Supporting Information Sources):                           | Potentially<br>Significant<br>Impact | Potentially<br>Significant<br>Unless<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact  | No Impact                           |
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| a) Fire protection? (Sources:1,22)                                     | <input type="checkbox"/>             | <input type="checkbox"/>                                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| <b>Discussion:</b> See discussion under e.                             |                                      |                                                                    |                                     |                                     |
| b) Police Protection? (Sources:1,22)                                   | <input type="checkbox"/>             | <input type="checkbox"/>                                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| <b>Discussion:</b> See discussion under e.                             |                                      |                                                                    |                                     |                                     |
| c) Schools? (Sources:1,22)                                             | <input type="checkbox"/>             | <input type="checkbox"/>                                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| <b>Discussion:</b> See discussion under e.                             |                                      |                                                                    |                                     |                                     |
| d) Parks? (Sources:1,22)                                               | <input type="checkbox"/>             | <input type="checkbox"/>                                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| <b>Discussion:</b> See discussion under e.                             |                                      |                                                                    |                                     |                                     |
| e) Other public facilities or governmental services?<br>(Sources:1,22) | <input type="checkbox"/>             | <input type="checkbox"/>                                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

**Discussion a – e:** The project involves the widening of Atlanta Avenue from Huntington Street to Delaware Street and associated improvements including relocation of two existing fire hydrants on Atlanta Avenue. The project does not propose new structures or uses that would significantly increase the demand for public services including schools, parks and libraries. The project reduces existing traffic hazards and includes design features to minimize vehicular conflicts. Improvements in the function of the roadway will also serve to maintain or improve acceptable response times. Atlanta Avenue will remain open during construction, however, access may be limited at times throughout project construction. A traffic control plan, which accounts for emergency access, is required to be implemented during construction. Existing emergency access gates and a fire access lane within the existing mobile home park would be reconstructed on-site in their current configuration. Therefore, less than significant impacts are anticipated.

**XII. UTILITIES AND SERVICE SYSTEMS.** Would the project:

- |                                                                                                                                                                                                                      |                          |                          |                          |                                     |
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| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?<br>(Sources:4,5)                                                                                                 | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <b>Discussion:</b> See discussion under e.                                                                                                                                                                           |                          |                          |                          |                                     |
| b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Sources:4,5) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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**Discussion:** See discussion under e.

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| c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Sources:4,5,22) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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**Discussion:** See discussion under e.

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| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? (Sources:4,5) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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**Discussion:** See discussion under e.

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| e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? (Sources:4,5) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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**Discussion a –e & h:** The project involves the widening of Atlanta Avenue from Huntington Street to Delaware Street and associated improvements. These improvements include new curb and gutter and relocation of existing utilities along the south side of Atlanta Avenue. Stormwater within the project area will continue to drain to the existing public storm drain system in Delaware Street. No new residential, commercial or industrial uses or structures are proposed that would generate additional wastewater beyond the current conditions necessitating expansion or construction of new wastewater treatment facilities. In addition, the project will not result in the creation of new stormwater drainage or treatment facilities nor will it create a significant demand for water usage beyond that which currently exists for the project area. The project will require water for landscape irrigation, however proposed landscaping will replace existing landscaping and would be required to comply with the City's Water Efficient Landscape Ordinance. Less than significant impacts would occur

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| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? (Sources:1) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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**Discussion:** See discussion under g.

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| g) Comply with federal, state, and local statutes and regulations related to solid waste? (Sources:1) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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**Discussion f & g:** The project involves the widening of Atlanta Avenue from Huntington Street to Delaware Street and associated improvements and does not propose new waste generating uses that would contribute additional solid waste. Some amount of solid waste may be generated from project construction. The nearest landfill is the Frank R. Bowerman Landfill located in the City of Irvine. The landfill has a remaining capacity



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in excess of 30 years based on the present solid waste generation rates. The project will not noticeably impact the capacity of the existing landfill. In addition, waste from construction of the project is required to comply with all regulations related to solid waste including City specification No. 431-92, which provides for the proper disposal of contaminated soils. Less than significant impacts are anticipated.

- |                                                                                                                                                                                      |                          |                          |                          |                                     |
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| h) Include a new or retrofitted storm water treatment control Best Management Practice (BMP), (e.g. water quality treatment basin, constructed treatment wetlands?) (Sources:4,5,22) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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**Discussion:** See discussion under item e above.

**XIII. AESTHETICS.** Would the project:

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| a) Have a substantial adverse effect on a scenic vista? (Sources:1,4) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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**Discussion:**

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| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? (Sources:1,4) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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**Discussion:**

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| c) Substantially degrade the existing visual character or quality of the site and its surroundings? (Sources:1,4) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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**Discussion a – c:** The project involves the widening of Atlanta Avenue from Huntington Street to Delaware Street and associated improvements. The project area is not within a State-designated or eligible scenic highway nor does it constitute a scenic vista. In addition, the project will not damage existing scenic resources including rock outcroppings or historic buildings. Atlanta Avenue is designated as a landscape corridor in the Circulation Element of the General Plan. The project will involve the removal of existing landscaping on Atlanta Avenue although new landscaping and street trees are proposed as part of the project. The new landscaping is required to comply with City landscape requirements for street trees and parkways. Although the project proposes to remove 25 trees from within the mobile home park, some trees may be able to be preserved and relocated on site, and all mature, healthy trees that are removed are required to be replaced at a 2:1 ratio. Removal and relocation of the trees requires approval by the Planning and Building and Public Works Departments. After the project is completed, the visual character of the site will substantially be the same as it currently exists. However, since old pavement, street striping, landscaping and fencing will be replaced with new there will be a general aesthetic enhancement of the project area.

There will be a temporary degradation of the existing visual character in the area during construction. However, construction of the project is anticipated to last approximately six months and as such, impacts during construction can be considered less than significant. Less than significant impacts would occur.

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- d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? (Sources:1,4)

☐ ☐ ☒ ☐

**Discussion:** Existing sources of light and glare in the project area include streets lights and vehicular headlights. Currently, street lights are located on utility poles and would be relocated as part of the project. There would be no new street lighting beyond what currently exists as a result of the proposed project. Although the project provides for increased capacity on Atlanta Avenue, there would not be an increase in traffic as a result of the project and therefore, the project would not result in more light and glare from vehicular headlights such that impacts would be significant. Other sources of light from the project would be lights from bicycles as a result of the proposed bike lanes. This potentially new light source, since it is likely that bicyclists currently travel on the subject segment of Atlanta Avenue, would be minimal and not result in a substantial increase in light and glare in the project area. No light standards are proposed for relocation or replacement within the mobile home park. Impacts would be less than significant.

#### **XIV. CULTURAL RESOURCES.** Would the project:

- a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? (Sources:20,21)

☐ ☐ ☒ ☐

**Discussion:** See discussion under d.

- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? (Sources:20)

☐ ☒ ☐ ☐

**Discussion:** See discussion under d.

- c) Directly or indirectly destroy a unique paleontological resource or site unique geologic feature? (Sources:20)

☐ ☐ ☒ ☐

**Discussion:** See discussion under d.

- d) Disturb any human remains, including those interred outside of formal cemeteries? (Sources:20)

☐ ☒ ☐ ☐

**Discussion a – d:** The project involves the widening of Atlanta Avenue from Huntington Street to Delaware Street and associated improvements. The existing project area consists of roadway that has existed since 1927, and a mobile home park that was developed in the 1950s. There are no locally significant historic structures and the project site is not listed in the General Plan Historic and Cultural Resources Element. Although the mobile home park is at least 50 years old, it has been determined by the State Office of Historic Preservation, that the mobile home park is not eligible for listing on the National Register of Historic Places.

An archeological survey report was prepared by Bonterra Consulting in April 2010. The report indicates that three archeological sites (CA-ORA-149, CA-ORA-276 and CA-ORA-1654) have been identified within a half-mile radius of the project area. In addition, based on a review of the Native American Heritage Commission

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(NAHC) sacred lands database, archeological literature, and historic maps, CA-ORA-149 may have extended into the project area at one time. Although existing site records place the archeological site outside of the project area, it is acknowledged that previous researchers had extended CA-ORA-149 east of Huntington Street into the Pacific Mobile Home Park site. However, it has been concluded that portions of the site east of Huntington Street would have been destroyed by construction of the mobile home park, the existing elevation of which is 2 to 5 meters below the original site surface. This is well below the depth of the archeological deposit of CA-ORA-149 estimated at less than two meters based on deBarros' 2005 data recovery excavations for the Pacific City project. Even so, because subsurface investigation of the project area did not previously occur, it could not be concluded that CA-ORA-149 is not present on the project site. Therefore, potential exists for small pockets of CA-ORA-149 to remain under the existing mobile home park, sidewalks, and streets.

Site Survey

In addition to a study of existing data, a survey of the project area was conducted on May 21, 2009 by Bonterra Consulting. The survey focused on determining the presence of any remaining surface expressions of CA-ORA-149 on non-asphalt covered areas south of Atlanta Avenue within the project area. No previously unknown cultural resources were identified during the survey, but visibility was nearly zero as the majority of the project area is paved. Since the project area is mostly paved, the survey extended to an undeveloped, unpaved area parallel to the mobile home park and Delaware Street. However, this area is covered with gravel, has undergone similar grading to the project site, and is beyond the original archeological site boundaries.

Although there were no cultural resources identified during the survey and study of available data, the historic use of the area increases likelihood of finding buried cultural resources during project construction-related activities. In addition, intact resources and human burials associated with CA-ORA-149 were discovered during archeological excavations for the Pacific City project, which is east of the project area, across Huntington Street. Therefore, an Extended Phase I Report was conducted to evaluate the subsurface soils within an unpaved area of the project site (located south of the existing Atlanta Avenue and north of the northern property line of the mobile home park) and determine whether any significant cultural deposits associated with CA-ORA-149 exist within the project site. The assessment was completed in combination with the geological soil auger borings conducted by WorleyParsons for the ADL testing as well as hand excavation of shovel test pits conducted by Bonterra. The subsurface site work identified a few cultural specimens (one artifact and 15 flakes) of poor contextual integrity and that the soil has been previously filled and disturbed and does not constitute an intact portion of CA-ORA-149 or an archeological deposit. In addition, the cultural materials that were discovered during the testing would not be significant nor would they warrant formal curation since they lack original provenience (intact, primary deposits) and show evidence of mixing with modern materials. Although the results of the testing suggest that although CA-ORA-149 may have extended onto the project site, based on the soil borings and hand excavations, no primary cultural deposit remains on the project site. However, to ensure impacts to cultural resources would be less than significant, the following mitigation measures are recommended:

**CULT-1:** *If cultural resources are encountered during during construction-related ground-disturbing activities, all construction personnel shall be informed of the need to stop work on the project site in the event of a potential find, until a qualified archaeologist has been provided the opportunity to assess the significance of the find and implement appropriate measures to protect or scientifically remove the find. Construction personnel shall also be informed that unauthorized collection of cultural resources is prohibited. If archaeological resources are discovered during ground-disturbing activities, all construction activities within 50 feet of the find shall cease until the archaeologist evaluates the significance of the resource. In the absence*

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*of a determination, all archaeological resources shall be considered significant. If the resource is determined to be significant, the archaeologist shall prepare a research design and recovery plan for the resources.*

**CULT-2:** *If human remains are discovered during construction or any earth-moving activities, the County Coroner must be notified of the find immediately. No further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. If the human remains are determined to be prehistoric, the Coroner must notify the Native American Heritage Commission (NAHC), which will determine and notify a Most Likely Descendent (MLD). The designated MLD may make recommendations to the City for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods.*

With implementation of the proposed mitigation measures, impacts to cultural resources would be less than significant.

#### **XV. RECREATION.** Would the project:

- a) Would the project increase the use of existing neighborhood, community and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (Sources:4,5,22) ☐ ☐ ☒ ☐

**Discussion:** See discussion under c.

- b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? (Sources:4,5) ☐ ☐ ☒ ☐

**Discussion:** See discussion under c.

- c) Affect existing recreational opportunities? (Sources:4,5) ☐ ☐ ☐ ☒

**Discussion a –c:** The project involves the widening of Atlanta Avenue from Huntington Street to Delaware Street and associated improvements. There may be increased use of surrounding parks during construction by workers that may utilize the parks before, during and after work. However, the proposed project does not involve the creation of new homes or businesses that would substantially increase the use of existing parks and recreational facilities beyond the construction phase. The project will not affect nor does it include expansion of existing recreational opportunities. Although the project will provide additional travel lanes on Atlanta Avenue, the additional lanes will bring the subject segment of Atlanta Avenue into compliance with its primary arterial designation of the General Plan Circulation Elements and Orange County Master Plan of Arterial Highways (MPAH) as well as provide for the forecasted build-out capacity. Therefore, the increased capacity of Atlanta Avenue is not anticipated to provide for growth not already anticipated by the General Plan. As such, the project would not require the addition or expansion of recreational facilities. Less than significant impacts would occur.

ISSUES (and Supporting Information Sources):

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**XVI. AGRICULTURE RESOURCES.** In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

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| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? (Sources:1) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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**Discussion:** See discussion under c.

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| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? (Sources:1) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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**Discussion:** See discussion under c.

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| c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? (Sources:1) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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**Discussion a – c:** The project involves the widening of Atlanta Avenue from Huntington Street to Delaware Street and associated improvements. The existing project area consists of roadway that has existed since 1927, and a mobile home park that was developed in the 1950s. The project does not propose any changes that would affect existing farmland or agricultural uses and would not result in conversion of farmland/agricultural uses as there are none within the vicinity of the project site. The site is not zoned for agricultural uses, nor is it under a Williamson Act contract. Finally, the project area is not mapped as Prime Farmland, Unique Farmland or Farmland of Statewide Importance. No impacts would occur.

**XVII. GREENHOUSE GAS EMISSIONS.** Would the project:

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| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? (Source: 19) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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**Discussion:** The California Energy Commission calculated that in 2004, California produced 492,000,000 metric tons of carbon dioxide (CO<sub>2</sub>) emissions. On an individual basis, a project generally would not generate enough GHG emissions to create a significant impact on global climate change. For instance, the proposed project would result in a total of approximately 173 tons of CO<sub>2</sub> emissions during construction. This represents a negligible amount when compared to the overall contribution of the State's GHG emissions impacting global climate change. A project's potential impact would be its incremental contribution of GHG emissions when combined with all other GHG emission sources to cause significant cumulative impacts that could result in global climate change impacts. The proposed project has the potential to result in GHG emissions from both construction and operation

ISSUES (and Supporting Information Sources):

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of the proposed street widening.

Short-term/Construction

Construction GHG emissions would include emissions produced from material processing, emissions from construction equipment and vehicles, and emissions from travel delay due to construction. These emissions would be produced at different levels throughout construction. The project would result in a total of approximately 173 tons of CO<sub>2</sub> emissions during construction. Implementation of a traffic control plan would manage traffic and reduce travel delays during construction to the extent possible. The largest source of GHG emissions during construction would occur from construction equipment exhaust. Generally, measures that are employed to reduce emissions from construction equipment would also reduce GHG emissions. Mitigation Measure AQ-1 includes measures such as limiting equipment idling time and ensuring that equipment is properly maintained that would control equipment exhaust. In addition, all construction vehicles are required to use CARB approved on-road diesel fuel, when locally available, to reduce emissions of CO, ROG and particulate matter during construction. While there is no specific threshold of significance for GHG emissions, it is reasonable to apply the same requirements for criteria pollutants in that significance occurs when a project results in a cumulatively considerable net increase of GHG emissions. Therefore, since the project's contribution of CO<sub>2</sub> emissions is minor and measures would be implemented to further reduce GHG emissions during construction, impacts from GHG emissions during construction would not result in a cumulatively considerable net increase of GHG emissions and impacts would be less than significant.

Long-term/Operational

The project does have potential to produce GHG emissions from vehicles traveling along Atlanta Avenue. However, the highest level of GHG emissions from mobile sources, specifically carbon dioxide (CO<sub>2</sub>), occur at "stop-and-go" speeds (0 – 25 miles per hour). The proposed street widening project would provide for additional capacity on Atlanta Avenue but would not generate increased traffic volumes. In addition, the project would relieve congestion by enhancing operations and improving travel times. By eliminating an existing "choke point" on Atlanta Avenue, thereby reducing "stop-and-go" speeds, the project may result in reduced CO<sub>2</sub> emissions. Again, there is no specific threshold of significance other than to reasonably consider whether a project would result in a cumulatively considerable net increase in GHG emissions. Based on the scope of the project including the project's potential to reduce CO<sub>2</sub> emissions, the project would not result in significant impacts from GHG emissions. Less than significant impacts would occur.

- b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? (Source: 19)

☐ ☐ ☒ ☐

**Discussion:** One of the main strategies of the Caltrans Climate Action Program to reduce GHG emissions is to make California's transportation system more efficient. As discussed above, the highest levels of CO<sub>2</sub> emissions occur when vehicles travel at "stop-and-go" speeds. The purpose of the proposed project is to eliminate a "choke point" on Atlanta Avenue and reduce an area currently experiencing queuing and "stop-and-go" speeds. The project also proposes to add a Class-II bike lane and would bring the subject segment of Atlanta Avenue into compliance with its MPAH designation, which is administered by the Orange County Transit Authority (OCTA), a member of Southern California Association of Governments (SCAG).

Transportation control measures in the AQMP are provided by SCAG and include those contained in the 2008 Regional Transportation Plan (RTP). The proposed project is identified in the 2008 RTP and is consistent with Travel Demand Management strategies identified in the RTP including enhancing non-motorized and transit modes of transportation in the area. The proposed project is consistent with the Caltrans Climate Action Program

| ISSUES (and Supporting Information Sources): | Potentially<br>Significant<br>Impact | Potentially<br>Significant<br>Unless<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact | No Impact |
|----------------------------------------------|--------------------------------------|--------------------------------------------------------------------|------------------------------------|-----------|
|                                              |                                      |                                                                    |                                    |           |

and the 2008 RTP. Projects that are consistent with these programs would be consistent with other programs and policies of a broader context such as AB 32. Therefore, the project would not conflict with applicable policies, plans or programs adopted for the purpose of reducing GHG emissions. Impacts would be less than significant.

## XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.

- a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? (Sources:1-23)
- ☐ ☒ ☐ ☐

**Discussion:** The project, during construction, could result in disturbances to migratory bird species. In addition, there is potential for cultural resources to be discovered during construction-related ground-disturbance. However, with mitigation, impacts would be less than significant.

- b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.) (Sources:1-23)
- ☐ ☒ ☐ ☐

**Discussion:** As discussed throughout the document, the proposed project would have less than significant impacts for the majority of impact areas. Therefore, the project's contribution in the context of cumulatively considerable adverse impacts would be less than significant. The project does require mitigation for potentially significant impacts in the areas of air quality, biological resources, and cultural resources. However, all of the identified potentially significant impacts can be mitigated during project construction and therefore do not represent a cumulatively considerable significant impact. Mitigation for impacts identified in the area of population and housing are due to relocation of 14 residents that would occur as a result of acquisition of additional right-of-way for the project and not due to substantial increases in population or indirect growth that would result in cumulatively considerable impacts.

- c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? (Sources:1-23)
- ☐ ☒ ☐ ☐

**Discussion:** As discussed throughout the document, the project would result in less than significant impacts (i.e. – traffic, noise, hazards) or less than significant impacts with mitigation (air quality and housing) in areas with the potential to have adverse effects on human beings.

## **XIX. EARLIER ANALYSIS.**

Earlier analyses may be used where, pursuant to tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c)(3)(D).

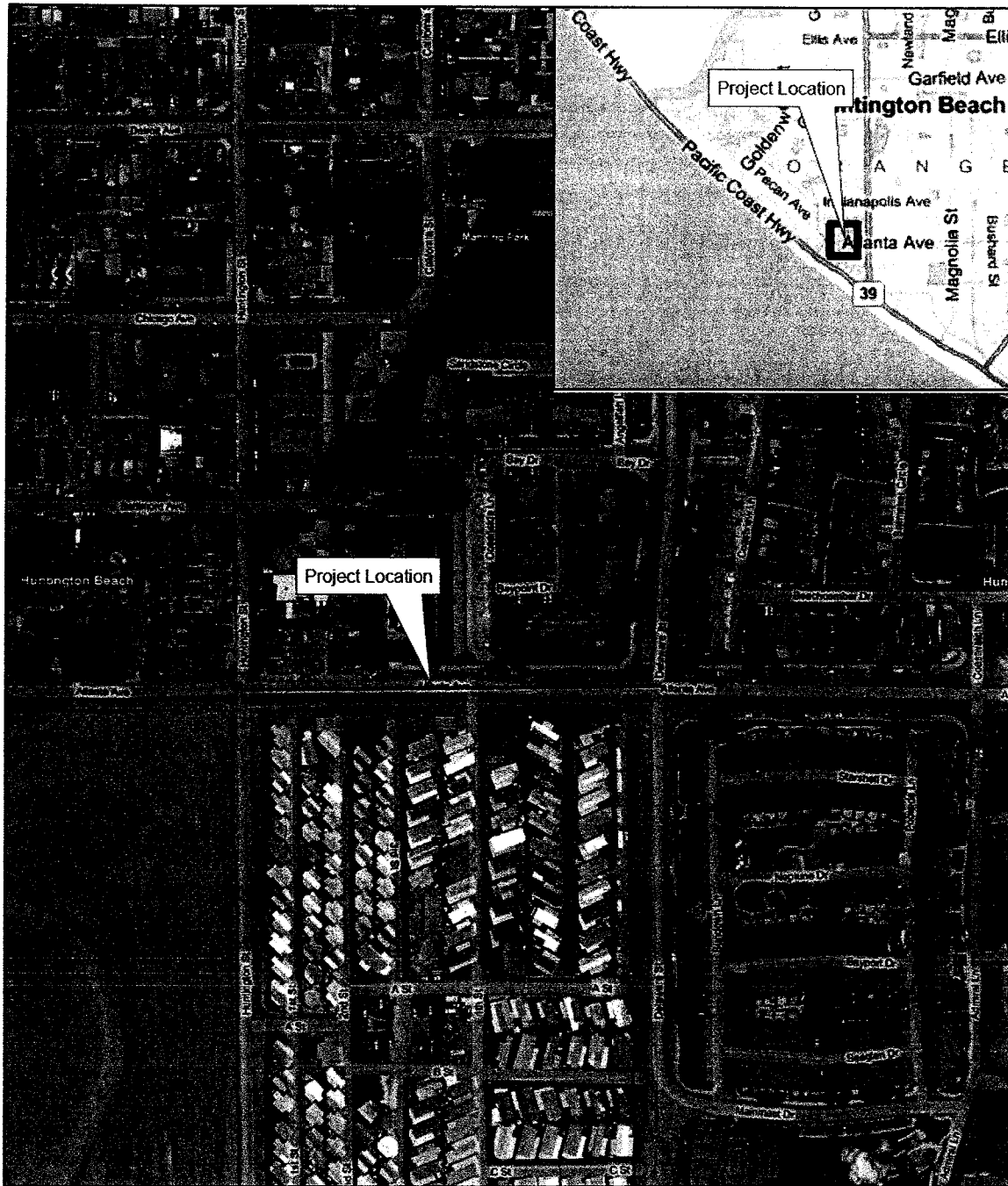
Earlier Documents Prepared and Utilized in this Analysis:

| <b><u>Reference #</u></b> | <b><u>Document Title</u></b>                                                               | <b><u>Available for Review at:</u></b>                                                                                                         |
|---------------------------|--------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|
| 1                         | City of Huntington Beach General Plan                                                      | City of Huntington Beach Planning Dept.,<br>Planning/Zoning Information Counter, 3rd<br>Floor<br>2000 Main St.<br>Huntington Beach             |
| 2                         | City of Huntington Beach Zoning and Subdivision Ordinance                                  | "                                                                                                                                              |
| 3                         | Project Vicinity Map                                                                       | See Attachment #1                                                                                                                              |
| 4                         | Conceptual Project Plans                                                                   | See Attachment #2                                                                                                                              |
| 5                         | Project Narrative                                                                          | See Attachment #3                                                                                                                              |
| 6                         | City of Huntington Beach Geotechnical Inputs Report                                        | City of Huntington Beach Planning Dept.,<br>Planning/Zoning Information Counter, 3 <sup>rd</sup><br>Floor<br>2000 Main St.<br>Huntington Beach |
| 7                         | FEMA Flood Insurance Rate Map                                                              | "                                                                                                                                              |
| 8                         | CEQA Air Quality Handbook<br>South Coast Air Quality Management District (1993)            | "                                                                                                                                              |
| 9                         | City of Huntington Beach CEQA Procedure Handbook                                           | "                                                                                                                                              |
| 10                        | Trip Generation Handbook, 7 <sup>th</sup> Edition, Institute of Traffic Engineers          | "                                                                                                                                              |
| 11                        | Airport Environs Land Use Plan for Joint Forces Training Base Los Alamitos (Oct. 17, 2002) | "                                                                                                                                              |
| 12                        | Hazardous Waste and Substances Sites List                                                  | "                                                                                                                                              |
| 13                        | State Seismic Hazard Zones Map                                                             | "                                                                                                                                              |
| 14                        | City of Huntington Beach Municipal Code                                                    | "                                                                                                                                              |
| 15                        | Noise Study Report (April 2010)                                                            |                                                                                                                                                |



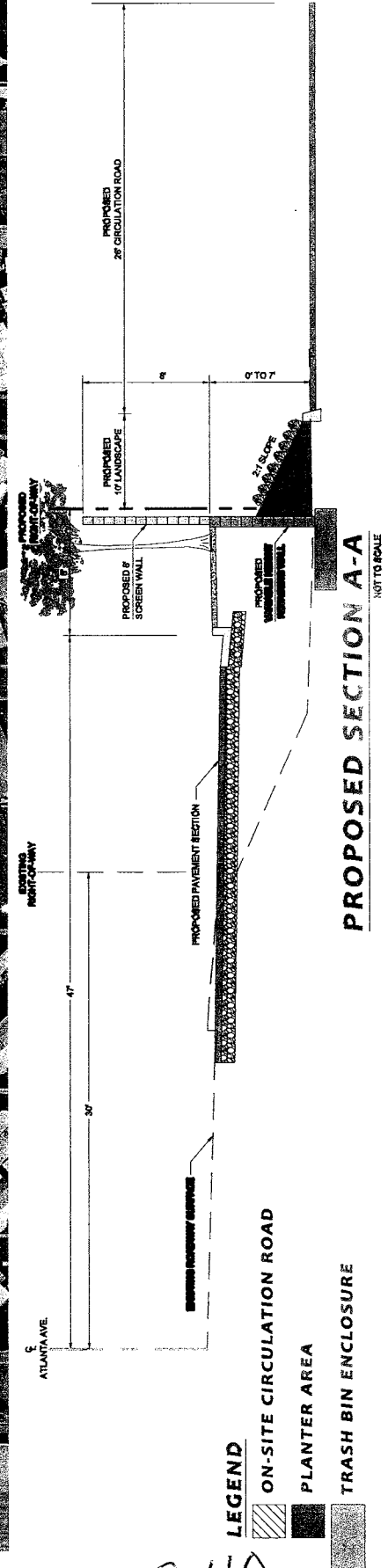
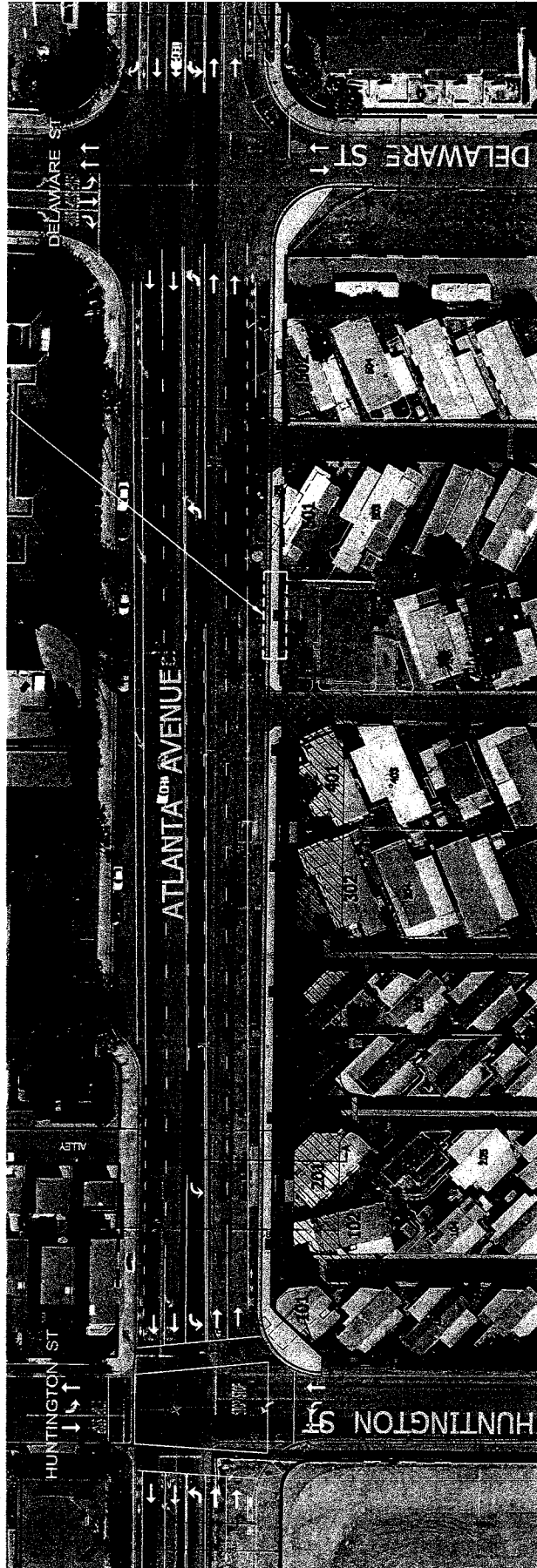
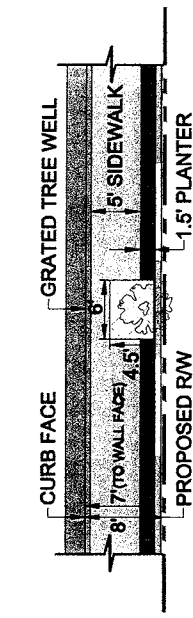
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| 16 | Traffic Study<br>(March 2009)                                                 | “                |
| 17 | Phase I Environmental Site Assessment<br>(October 2009)                       | “                |
| 18 | Phase II Environmental Site Assessment<br>(March 2010)                        | “                |
| 19 | Air Quality Report & Global Climate Change Analysis<br>(November 2009)        | “                |
| 20 | Historic Property Survey Report & Archeological Survey<br>Report (April 2010) | “                |
| 21 | State Historic Preservation Office concurrence letter<br>(June 2010)          | “                |
| 22 | City of Huntington Beach Environmental Assessment Form<br>(February 2009)     | “                |
| 23 | Caltrans Approved Preliminary Environmental Study (PES)<br>(January 2009)     | “                |
| 24 | Summary of Mitigation Measures                                                | Attachment No. 4 |

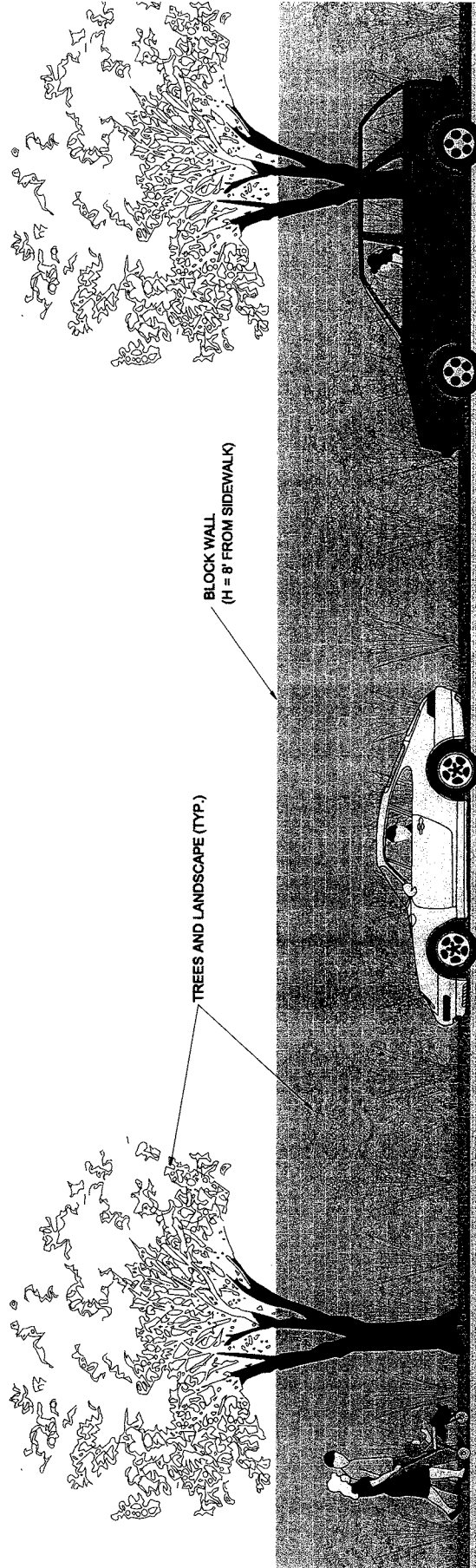
Attachment 1 – Project Location



# ATLANTA AVENUE WIDENING (HUNTINGTON ST. - DELAWARE ST.)

## CONCEPTUAL DESIGN





CONCEPTUAL VIEW FROM STREET  
(LOOKING SOUTHERLY FROM ATLANTA AVENUE)

ATTACHMENT NO. 3.41

Underground Service Alert

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REVISIONS

| REV# | DATE | BY | DESCRIPTION |
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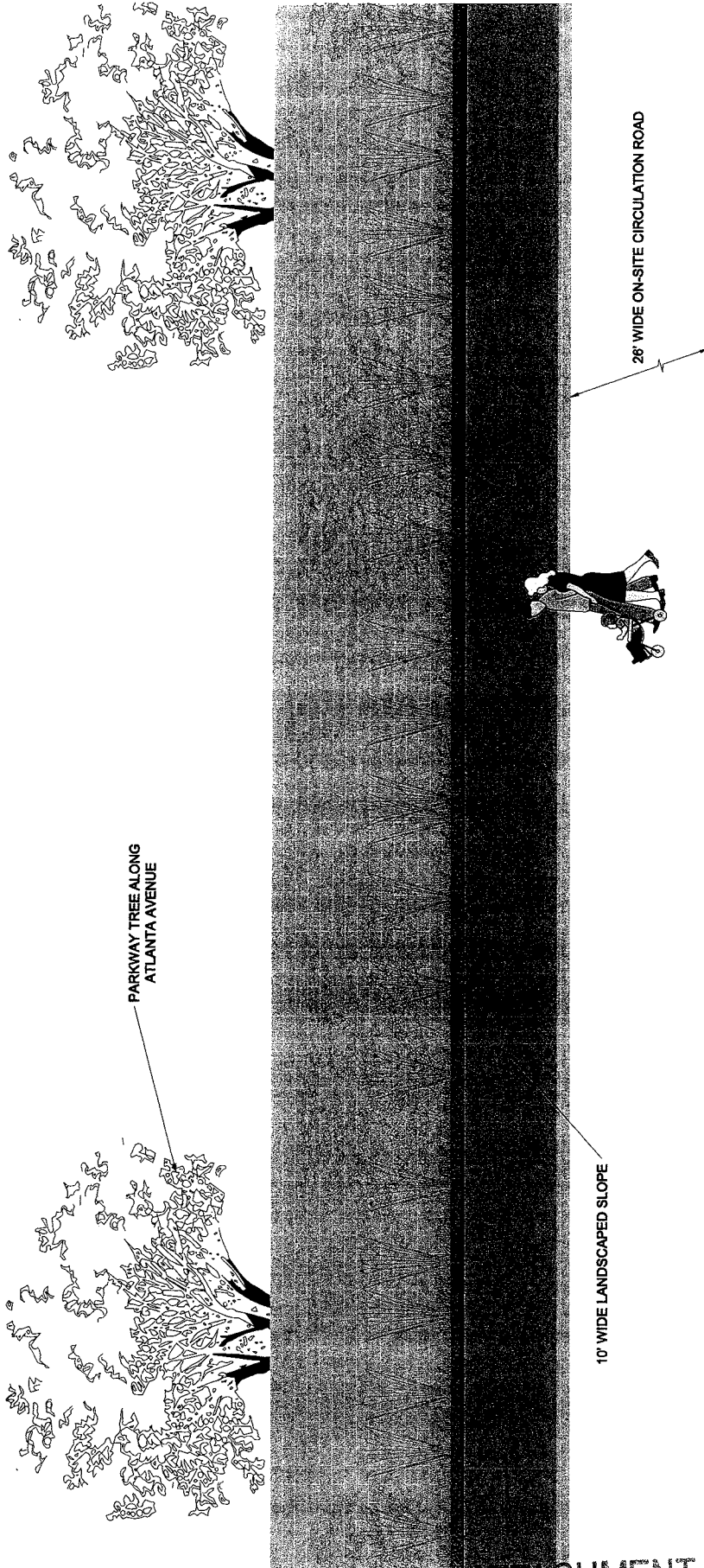
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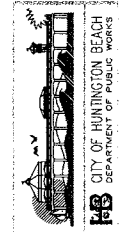
CITY OF HUNTINGTON BEACH  
DEPARTMENT OF PUBLIC WORKS

CONCEPTUAL ELEVATION VIEW

ATLANTA AVENUE WIDENING  
(HUNTINGTON ST. - DELAWARE ST.)



# CONCEPTUAL VIEW FROM PACIFIC MOBILEHOME PARK (LOOKING NORTHERLY TOWARDS ATLANTA AVENUE)



CONCEPTUAL ELEVATION VIEW  
ATLANTA AVENUE WIDENING  
(HUNTINGTON ST. - DELAWARE ST.)

PREPARED UNDER THE SUPERVISION OF  
CITY ENGINEER  
DATE  
APPROVED BY  
DATE

APPROVED BY  
DATE  
APPROVED BY  
DATE

REFERENCES

REVISED

DATE

DATE

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800 WORKING DAYS BEFORE YOU DIG

ATTACHMENT NO. 3.42

## Project Narrative

Project: **Atlanta Avenue Widening, CC-1319**  
Application: **EA/CDP/CUP**  
Applicant: **City of Huntington Beach Public Works Department**  
Contact: **Jonathan Claudio, Senior Civil Engineer**  
Phone #: **(714) 374-5380**  
Date: **July 24, 2009**

The City proposes to widen the south side of Atlanta Avenue, between Huntington Street and Delaware Street, to comply with the primary arterial street classification in the General Plan Circulation Element. The project site is bounded by single-family residential, apartment and condominium uses to the north and the east, by the Waterfront Hilton Hotel property to the south, and the Pacific City mixed-use development (currently under construction) to the west. As the proposed street widening project will provide the build-out traffic capacity forecasted and bring this segment of Atlanta Avenue into compliance with the County's Master Plan of Arterial Highways, the Orange County Transportation Authority has approved grant funding to the City for the engineering, right-of-way, and construction phases of this street widening project. The current budget constraints, however, have limited the City's ability to provide the local matching funds required to receive the grant funding. Consequently, the right-of-way and construction phases of this project may be delayed until the 2010/11 fiscal year.

The General Plan Circulation Element designates Atlanta Avenue as a primary arterial street, both in the current and in the 2010 Circulation Plan of Arterial Highways. As defined in the General Plan, the primary arterial street classification provides sidewalk, curb, gutter, a bike lane, and 2 through lanes in each direction of travel, separated by a striped median. Currently, this segment of Atlanta Avenue provides one lane in each direction, a striped median, and on-street parking along a portion of the north side of the street. The proposed street improvements will provide an additional through lane and bike lane in each direction of travel.

The project's scope of work primarily includes clearing and grubbing, the construction of asphalt concrete roadway, striping, curb, gutter, sidewalk, an 8 feet tall screen wall atop a variable height (7 ft. max.) retaining wall, landscaping, reconstruction of a 26 ft. wide on-site circulation road, utility adjustment and relocation. Since this street widening project proposes to remove and reconstruct the south curb line of Atlanta Avenue an additional 27 ft. (approx.) to the south, it will be necessary to relocate the 5 utility poles and overhead lines currently located within the existing southerly parkway area. The undergrounding of the existing overhead utility lines, however, is not included within the scope of this project. In accordance with the City's franchise agreements, the utility companies will be responsible for the relocation and/or adjustment of their facilities which may be in conflict with the proposed City street improvements.

The mixed-use Pacific City development located immediately west of the project site has recently widened Atlanta Avenue between 1<sup>st</sup> Street and Huntington Street to its ultimate location. This has resulted in the segment of Atlanta Avenue between Huntington Street and Delaware Street as the lone remaining "choke point" on Atlanta Avenue between 1<sup>st</sup> Street and Beach Boulevard. The existing choke point creates a 26 ft. (approx.) offset in the south curb alignment at the intersection of Atlanta Avenue and Huntington Street. Since the narrowing roadway requires motorists traveling eastbound on Atlanta Avenue to make additional motorist decisions, there is a greater potential for merging accidents and motorists inadvertently driving vehicles off of the street. The proposed street widening would help to minimize this accident potential and provide for improved traffic safety.

Furthermore, this segment of Atlanta Avenue is an existing transit route with a proposed Class II bicycle trail. The current transit activity turning from Huntington Street and stopping on Atlanta Avenue is constrained due to the substandard width of the existing roadway, the tight turning radius at the southeast corner of Atlanta Avenue and Huntington Street, and the presence of cyclists who share the roadway on this segment of Atlanta Avenue. Widening the roadway to provide 2 eastbound travel lanes and a designated bike lane will help to reduce the impacts of the existing bus stop (located approx. 100 ft. east of Huntington Street) and improve the ability of the roadway to accommodate bus turns. Consequently, the overall traffic operations in the area will be enhanced with the proposed street widening by minimizing delays and the associated impacts.

The existing public street right-of-way along this segment of Atlanta Avenue varies from 60 ft. wide (30 ft. north and 30 ft. south of street centerline) at Huntington Street to 85 ft. wide (55 ft. north and 30 ft. south of street centerline) at Delaware Street. Construction of the proposed street improvements will require the acquisition of an additional 25 feet of public street right-of-way south of the centerline of Atlanta Avenue (i.e., the public street right-of-way is proposed at 55 ft. south of street centerline). Along with the acquisition of this 25 feet wide by 630 feet long (approx.) strip of land from the Pacific Manufactured Home Park located at 80 Huntington Street (APN 024-291-16), the City anticipates that 8 manufactured homes (Unit Nos. 101, 102, 201, 301, 302, 401, 501, and 502) will also need to be relocated in order to construct the proposed street widening project. The ultimate location of these units is not known at this point, however, as real estate negotiations with the Park owner and the affected residents cannot commence until the City receives Federal authorization to proceed with the right-of-way phase. The foreseeable alternatives include on-site relocation to a comparable unit, off-site relocation to another park with a comparable unit, or a monetary offer for residents who no longer choose to own a manufactured home. The City's real estate consultant will ensure that all relocation work for this project shall comply with the applicable City, State, and Federal laws.

Although the City has received authorization to proceed with the engineering phase, the construction of this project is contingent upon a number of factors including: 1) the City's ability to obtain the Federal, State, and local approvals required to proceed with the right-of-way and construction phases; 2) negotiating the successful land acquisition and subsequent relocation of the Pacific Manufactured Home Park residents directly affected by the construction of the proposed street widening project; and 3) the availability of Federal grant and local matching funds. As previously stated, the right-of-way and subsequent construction phase of this project may be delayed until the 2010/11 fiscal year. Based upon the current scope of work, the construction phase is estimated to last for approximately 6 months from the date the contractor is given the notice to proceed by the City.

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Jonathan Claudio, Project Engineer

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Date

## Attachment No. 4

### Summary of Mitigation Measures

| <u>Description of Impact</u>                                                                                                                                                                                                                                                             | <u>Mitigation Measure</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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| <ul style="list-style-type: none"> <li>• Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere</li> <li>• Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere</li> </ul> | <p><b>POP-1:</b> Upon Federal authorization to proceed with right-of-way acquisition, the City shall commence with acquisition and relocation in accordance with the provisions of the Federal Uniform Act. Notification to and discussions with the impacted residents shall occur as soon as feasibly possible pursuant to the Federal Uniform Act. The City shall ensure that a relocation plan is prepared prior to final project plans and relocation is implemented in accordance with the Federal Uniform Act.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <ul style="list-style-type: none"> <li>• Violate any air quality standard or contribute substantially to an existing or projected air quality violation</li> <li>• Expose sensitive receptors to substantial pollutant concentrations</li> </ul>                                         | <p><b>AQ-1:</b> The City shall require, by contract specifications, implementation of the following measures:</p> <ul style="list-style-type: none"> <li>○ All work shall be done in accordance with the "GREENBOOK" Standard Specifications for Public Works Construction, 2009 Edition, as written and promulgated by Public Works Standards, Inc.</li> <li>○ The construction contractor shall not discharge smoke, dust, equipment exhaust, or any other air contaminants into the atmosphere in such quantity as will violate any federal, State or local regulations. (Greenbook Section 7-8.2)</li> <li>○ The contractor shall comply with Caltrans' Standard Specification Section 7-1.01F and Section 10 of Caltrans' Standard Specifications (1999).</li> <li>○ The contractor shall apply water or dust palliative to the site and equipment as frequently as necessary to control fugitive dust emissions.</li> <li>○ The contractor shall spread soil binder on any unpaved roads used for construction purposes and all project construction parking areas.</li> <li>○ The contractor shall wash trucks as they leave the right-of-way as necessary to control fugitive dust.</li> <li>○ The contractor shall properly tune and maintain construction equipment and vehicles and use low-sulfur fuel in all construction equipment as provided in the California Code of Regulations Title 17, Section 93114.</li> <li>○ The contractor shall develop a dust control plan documenting sprinkling, temporary paving, speed limits, and expedited revegetation of disturbed slopes as needed to minimize construction impacts to adjacent uses and residents.</li> <li>○ The contractor shall locate equipment and materials storage as far away from residential as practical.</li> <li>○ The contractor shall establish environmentally sensitive areas for receptors within which construction activities involving extended idling of diesel equipment would be prohibited to the extent feasible.</li> <li>○ The contractor shall use track out reduction measures such as gravel pads at project access points to minimize dust and mud deposits on roads affected by construction traffic.</li> <li>○ The contractor shall require that all transported loads of soil and wet materials shall be covered prior to transport, or provide adequate freeboard to</li> </ul> |



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|                                                                                                                                                                                                                                                                                   | <p><i>reduce PM<sub>10</sub> and deposition of particulate matter during transportation.</i></p> <ul style="list-style-type: none"> <li>○ <i>The contractor shall route and schedule construction traffic to avoid peak travel times as much as possible to reduce congestion and related air quality impacts caused by idling along local roads.</i></li> <li>○ <i>The contractor shall install landscaping as soon as practical after grading to reduce windblown particulate in the area.</i></li> <li>○ <i>The contractor shall implement a street sweeping program with Rule 1186-compliant PM<sub>10</sub>-efficient vacuum units on at least a 14-day frequency.</i></li> <li>○ <i>The contractor shall abate dust nuisance by cleaning, sweeping and spraying with water, or other means as necessary. (Greenbook Section 7-8.1)</i></li> <li>○ <i>The contractor shall provide a self-loading motorized street sweeper equipped with a functional water spray system. The sweeper shall clean all paved areas within the work site and all pave haul routes at least once a day. (Greenbook Section 7-8.1)</i></li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <ul style="list-style-type: none"> <li>● Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites</li> </ul> | <p><b>BIO-1:</b> <i>Prior to the onset of ground disturbance activities, the project developer shall implement the following mitigation measure which entails nesting surveys and avoidance measures for sensitive nesting and MBTA species, and appropriate agency consultation.</i></p> <p><i>Nesting habitat for protected or sensitive species:</i></p> <ol style="list-style-type: none"> <li>1) <i>Vegetation removal and construction shall occur between September 1 and January 31 whenever feasible.</i></li> <li>2) <i>Prior to any construction or vegetation removal between February 15 and August 31, a nesting survey shall be conducted by a qualified biologist of all habitats within 500 feet of the construction area. Surveys shall be conducted no less than 14 days and no more than 30 days prior to commencement of construction activities and surveys will be conducted in accordance with California Department of Fish and Game (CDFG) protocol as applicable. If no active nests are identified on or within 500 feet of the construction site, no further mitigation is necessary. A copy of the pre-construction survey shall be submitted to the City of Huntington Beach. If an active nest of a MBTA protected species is identified onsite (per established thresholds), a 250-foot no-work buffer shall be maintained between the nest and construction activity. This buffer can be reduced in consultation with CDFG and/or U.S. Fish and Wildlife Service.</i></li> <li>3) <i>Completion of the nesting cycle shall be determined by a qualified ornithologist or biologist.</i></li> </ol> |
| <ul style="list-style-type: none"> <li>● A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project</li> </ul>                                                                                        | <p><b>NOISE-1:</b> <i>The City shall require by contract specifications the following measures:</i></p> <ul style="list-style-type: none"> <li>○ <i>Ensure that all construction equipment has sound-control devices.</i></li> <li>○ <i>Prohibit equipment with un-muffled exhaust.</i></li> <li>○ <i>Site staging of equipment as far away from sensitive receptors as possible.</i></li> <li>○ <i>Limit idling of equipment whenever possible.</i></li> <li>○ <i>Notify adjacent residents in advance of construction work.</i></li> <li>○ <i>Educate contractors and employees to be sensitive to noise impact issues and noise control methods.</i></li> <li>○ <i>Install temporary acoustic barriers between the mobile home removal and construction activities and the row of mobile homes to remain closest to Atlanta Avenue. Acoustical barriers should provide a Sound Transmission</i></li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

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|                                                                                                                                                                                                                                                           | <p><i>Class Rating of 25 and should be situated in a manner to provide an uninterrupted continuous barrier between all mobile home removal and road construction activities. During the mobile home removal activities, the barriers should stretch from the east edge of the property to the west and zig-zag between homes where necessary. After removal of the mobile homes and prior to construction of the drive aisle within the mobile home property, the barrier can be straightened to stretch more directly from the east property line to the west property line.</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <ul style="list-style-type: none"> <li>• Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5</li> <li>• Disturb any human remains, including those interred outside of formal cemeteries</li> </ul> | <p><b>CULT-1:</b> <i>If cultural resources are encountered during construction-related ground-disturbing activities, all construction personnel shall be informed of the need to stop work on the project site in the event of a potential find, until a qualified archaeologist has been provided the opportunity to assess the significance of the find and implement appropriate measures to protect or scientifically remove the find. Construction personnel shall also be informed that unauthorized collection of cultural resources is prohibited. If archaeological resources are discovered during ground-disturbing activities, all construction activities within 50 feet of the find shall cease until the archaeologist evaluates the significance of the resource. In the absence of a determination, all archaeological resources shall be considered significant. If the resource is determined to be significant, the archaeologist shall prepare a research design and recovery plan for the resources.</i></p> <p><b>CULT-2:</b> <i>If human remains are discovered during construction or any earth-moving activities, the County Coroner must be notified of the find immediately. No further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. If the human remains are determined to be prehistoric, the Coroner must notify the Native American Heritage Commission (NAHC), which will determine and notify a Most Likely Descendent (MLD). The designated MLD may make recommendations to the City for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods.</i></p> |

RESPONSE TO COMMENTS FOR DRAFT  
MITIGATED NEGATIVE DECLARATION NO. 09-001

- I. This document serves as the Response to Comments on Draft Mitigated Negative Declaration No. 09-001. This document contains all information available in the public record related to the Atlanta Avenue Widening Project as of September 3, 2010 and responds to comments in accordance with Section 15088 of the California Environmental Quality Act (CEQA) Guidelines.

This document contains six sections. In addition to this Introduction, these sections are Public Participation and Review, Comments, Responses to Comments, Errata to Draft Mitigated Negative Declaration No. 09-001, and Appendix.

The Public Participation section outlines the methods the City of Huntington Beach has used to provide public review and solicit input on Draft Mitigated Negative Declaration No. 09-001. The Comments section contains those written comments received from agencies, groups, organizations, and individuals as of September 3, 2010. The Response to Comments section contains individual responses to each comment. The Errata to Draft Mitigated Negative Declaration No. 09-001 is provided to show clarifications and corrections of errors and inconsistencies in the Draft Mitigated Negative Declaration.

It is the intent of the City of Huntington Beach to include this document in the official public record related to Draft Mitigated Negative Declaration (MND) No. 09-001. Based on the information contained in the public record, the decision-makers will be provided with an accurate and complete record of all information related to the environmental consequences of the project.

II. PUBLIC PARTICIPATION AND REVIEW

The draft MND was made available for public review from August 5, 2010 to September 3, 2010. The City of Huntington Beach notified all responsible and interested agencies and interested groups, organizations, and individuals that Draft Mitigated Negative Declaration No. 09-001 had been prepared for the proposed project. The City also used several methods to solicit input during the review period for the preparation of Draft Mitigated Negative Declaration No. 09-001. The following is a list of actions taken during the preparation, distribution, and review of Draft Mitigated Negative Declaration No. 09-001.

A Notice of Completion and copies of Draft Mitigated Negative Declaration No. 09-001 were filed with the State Clearinghouse on August 5, 2010. The State Clearinghouse assigned Clearinghouse Number 2010081014 to the proposed project. A copy of the Notice of Completion and the State Clearinghouse distribution list is available for review and inspection at the City of Huntington Beach, Planning and Building Department, 2000 Main Street, Huntington Beach, California 92648.

An official 30-day public review period for Draft Mitigated Negative Declaration No. 09-001 was established by the State Clearinghouse. It began on August 5, 2010 and ended on September 3, 2010. Public comment letters were received by the City of Huntington Beach through September 3, 2010.

Notice of Draft Mitigated Negative Declaration No. 09-001 was published in the Huntington Beach Independent on August 5, 2010 as well as advertised on the City's website. Notices were also sent to property owners and tenants within a 500' radius of the project site.

Copies of the document were made available to agencies, groups, organizations, and individuals at the following locations:

City Hall – City Clerk's Office  
City Hall – Planning & Zoning Counter  
Central Library  
On the City's website

### III. COMMENTS

Copies of all written comments received as of September 3, 2010 are contained in Appendix A of this document. All comments have been numbered and are listed on the following pages. All comments are referenced by number with the responses directly adjacent to the reference number for clarity. Responses to Comments for each comment that was submitted on draft Mitigated Negative Declaration No. 09-001 that raised an environmental issue are contained in this document.

### IV. RESPONSE TO COMMENTS

Draft Mitigated Negative Declaration No. 09-001 was distributed to responsible agencies, interested groups, organizations, and individuals. The report was made available for public review and comment for a period of 30 days. The public review period for Draft Mitigated Negative Declaration No. 09-016 was established by the State Clearinghouse on August 5, 2010 and expired on September 3, 2010. The City of Huntington Beach received comment letters through September 3, 2010.

Copies of all documents received as of September 3, 2010 are contained in Appendix A of this report. Comments have been numbered with responses correspondingly numbered. Responses are presented for each comment that raised a significant environmental issue.

Several comments do not address the completeness or adequacy of Draft Mitigated Negative Declaration No. 09-001, do not raise significant environmental issues, or request additional information. A substantive response to such comments is not appropriate within the context of the California Environmental Quality Act (CEQA). Such comments are responded to with a "comment acknowledged" or similar reference. This indicates that the comment will be forwarded to all appropriate decision makers for their review and consideration.

**RESPONSE TO COMMENTS – DRAFT MITIGATED NEGATIVE DECLARATION  
(MND NO. 09-001)**

**State Departments**

**Department of Transportation**

DOT-1: The comment states that the DOT has no comment at this time. Comment acknowledged.

**Native American Heritage Commission**

- NAHC-1: This comment states that the NAHC is a trustee agency pursuant to the Public Resources Code and states that the City, as the lead agency, must assess the project's potential to have significant adverse impacts on cultural resources pursuant to CEQA. The area of potential effect (APE) has been determined and the project has been analyzed for potential impacts on cultural resources within the APE. The analysis of impacts and proposed mitigation measures can be found on pages 31 – 33 of the draft MND. Comment acknowledged.
- NAHC-2: The comment states that the NAHC performed a Sacred Lands File search and Native American Cultural Resources were not identified within one-half mile of the APE. The comment also suggests early consultation with Native American tribes during the process. The technical studies performed for the analysis incorporated in the draft MND include consultation with the NAHC and Native American tribes. The conclusions and recommended mitigation measures in the draft MND are based, in part, on the information obtained from the NAHC and discussion with Native American tribes.
- NAHC-3: The comment states that the City should contact the Office of Historic Preservation (OHP). The City has received a letter from the OHP stating that the mobile home park property is not eligible for listing on the National Register of Historic Places.
- NAHC-4: The comment cites existing codes and laws requiring Native American consultation. The tribes listed on the NAHC tribal contact list were consulted during preparation of the technical study and the draft MND. Comment acknowledged.
- NAHC-5: The comment states that lead agencies should consider avoidance when significant cultural resources could be affected by a project and outline provisions in the event of discovery of resources during construction. The proposed mitigation measures include language that would require all construction activity to cease in the event that resources are discovered during construction. The mitigation measures also require that a qualified archeologist assess the find and provide for the protection or scientific removal of the resources.
- NAHC-6: The comment states that the results of the Sacred Lands File search are confidential and exempt from the California Public Records Act. However, the Native Americans on the contact list are not prohibited from disclosing the nature of the cultural

resources. The comment also cites several codes that protect confidentiality of cultural resources. Comment acknowledged.

NAHC-7: The comment states that lead agencies are required to work with Native American tribes identified by the NAHC if the initial study identifies the presence or likely presence of Native American human remains within the APE. It should be noted that the initial study did not indicate that Native American human remains are within the APE nor is it likely that human remains would be present. The comment points out that CEQA guidelines provide for the dignified treatment of Native American human remains and associated grave liens. This is acknowledged and the recommended mitigation measures in the draft MND include language requiring dignified treatment of Native American human remains should they be discovered during construction. The comment also cites several codes and laws regarding requirements for Native American consultation and procedures for the accidental discovery of human remains during construction. These procedures are included in the proposed mitigation measures. Finally the comment states that disturbance of Native American cemeteries is a felony. Comment acknowledged.

NAHC-8: The comment reiterates that lead agencies should consider avoidance when significant cultural resources are discovered during project planning. As previously indicated, the proposed mitigation measures include provisions for the protection or scientific removal of resources as recommended by a qualified archeologist in the event they are discovered during construction.

#### **Local/Regional Agencies**

##### **Huntington Beach Environmental Board**

- EB-1: The project is seeking a Section 6005 Categorical Exclusion pursuant to the National Environmental Policy Act (NEPA). Caltrans is the lead agency for environmental review under NEPA. The applicable provisions of the Federal Uniform Act for the relocation will be evaluated by the City with assistance from the City's Real Estate/Relocation Consultant and detailed in the required Relocation Plan.
- EB-2: A Mitigation Monitoring and Reporting Plan (MMRP) will be adopted for the project. The MMRP will ensure compliance with all required mitigation measures, including AQ-1.
- EB-3: Mitigation measure AQ-1 is required to be included in any contracts and plans for the project. Compliance with the measure cited in the comment will be verified through the provisions of applicable regulations of agencies such as SCAQMD and CARB, among others. Compliance with the regulations of these agencies include verifiable measures such as limitations on vehicle idling and soil and equipment haul times, fuel type and construction equipment specifications, watering of the construction site, street sweeping and other similar measures, which would ensure that no air contaminant is discharged in a quantity that would violate the applicable regulations of these agencies.

- EB-4: Comment acknowledged. Undergrounding existing overhead utilities will be considered. However, it should be noted that the ultimate relocation of the utilities will be determined by Southern California Edison.
- EB-5: The comment states that relocation of displaced dwellings/residents to an existing area in the mobile home park along the eastern boundary should be considered. Although a relocation site is not reasonably foreseeable at this time, the draft MND project description does identify this area as a potential relocation site and, as such, the site will be evaluated further as an option in the event of relocation. Comment acknowledged.
- EB-6: The comment states that relocation of displaced dwellings/residents to an existing area along Delaware Street and the eastern boundary of the mobile home park should be considered. Although the relocation site is not reasonably foreseeable at this time, the draft MND project description does identify this area as a potential relocation site and as such, the site will be evaluated further as an option in the event of relocation. Comment acknowledged.
- EB-7: Comment acknowledged. The comment will be forwarded to the Public Works Department for consideration.

#### **Organizations/Individuals**

##### **Roger Savoie, Jr.**

SAVO-1: The comment letter summarizes the commenter's opposition to the project and will be forwarded to the Zoning Administrator and Planning Commission for consideration. Comment acknowledged. The comment also states that while the draft MND states that the number of residents to be relocated is 14, the actual number is 16 since the commenter, a resident of the mobile home park, has two sons living in his dwelling with him. This will be corrected in the Errata (see Section V). It should also be noted that this does not change the significance of the impacts identified on page 8 of the draft MND.

##### **Hart, King & Coldren**

- HKC-1: The comment consists of a cover letter and states that the purpose of the comment letter is to "preserve the rights of the Park property owner to challenge the project..." and indicates that it is the desire of the property owner to "work out a mutually favorable result with the City." Comment acknowledged.
- HKC-2: The comment states that because the statute of limitations is short for challenge under CEQA, the commenter may be forced to file a lawsuit to preserve the rights of the property owner. Comment acknowledged. The comment suggests that the City place the project and MND "on hold until there is funding for the Project acquisition and relocation." Although this comment does not relate to the environmental analysis in the draft MND, it should be noted that the associated coastal development permit and conditional use permit that would constitute action for carrying out the project have not been scheduled for action at this time. In addition, the project is funded through

the Regional Surface Transportation Program (RSTP), but must complete environmental review prior to receiving right-of-way funds.

- HKC-3: The comment summarizes the commenter's position that an EIR is required for the project and contends that there is no substantial evidence of public necessity for the project. The points of this comment are further detailed in the body of the letter and are responded to accordingly in the following responses (HKC-4 through HKC-19).
- HKC-4: The comment states that the MND does not provide a public necessity for the project and purports that this is required for projects involving the taking of a private property. The comment cites the California Code of Civil Procedures Section 1240.030, which provides that public necessity be established for a project in order to exercise eminent domain to acquire property. Comment acknowledged. The draft MND discloses environmental impacts of the project to the public and decision-makers. The draft MND, in accordance with CEQA, is not required to weigh the necessity or adequacy of benefits of the project to the public, nor does it make recommendations as to whether the project should be approved or denied. The comment states that the MND "admits that there is no current funding source that would allow the Project to be built within the near future." However, the MND states that the City anticipates receiving federal funds to construct the project, but cannot receive the funding until federal authorization to proceed is granted after environmental review is completed.

The comment states that the "MND alleges that the Project is made necessary by the previous approval of the mixed use Pacific City development...." The draft MND states that the project would bring the subject segment of Atlanta Avenue into compliance with the primary arterial designation specified in the General Plan. Atlanta Avenue was designated as a primary arterial prior to consideration of the Pacific City project. The Pacific City project has already widened Atlanta Avenue to its ultimate configuration, which leaves a "chokepoint" on the subject segment of Atlanta Avenue. While the project would alleviate the "chokepoint" and improve traffic safety in the project area, this is not the primary purpose of the project.

The comment states that the traffic study fails to assess whether a signal light at the intersection of Atlanta Avenue and Huntington Street without the project would relieve any existing traffic obstruction and states that it is clear that the project, without a traffic signal light, will not relieve traffic congestion. As stated in the draft MND, the above-mentioned intersection is currently being signalized as part of the Pacific City project. The traffic study for the project compares existing and future traffic conditions with and without the project. Since the traffic signal is not part of the project and would be operating prior to implementation of the project, there is no requirement for the project traffic study to evaluate the project's traffic conditions without the signalization of the Atlanta Avenue/Huntington Street intersection. Additionally, as the traffic signal is not part of the proposed project, there is no requirement to analyze the installation of the traffic signal with or without the project.

The comment further summarizes the traffic discussion in the draft MND and cites excerpts from the traffic analysis that states that there is a greater potential for accidents due to the "chokepoint" that occurs within the subject segment of Atlanta



Avenue as well as the existing transit stop and lack of bicycle and pedestrian facilities. The comment states that the MND does not provide evidence of a greater number of accidents at the intersection of Atlanta Avenue and Huntington Street and therefore, the conclusions in the draft MND are not supported. The comment also states that some of the “most heavily traveled roads, highways and Interstates in Southern California have well marked lane reductions without any significant reductions in safety.” Finally, the comment states that the traffic study “provides substantial evidence to the contrary of the MND justification for the project.” The comments related to the traffic study and proposed improvements to traffic circulation and safety are, in the context of the comment, made to point out that the draft MND does not provide a justification of public necessity for the project. As mentioned previously in this response, the role of the draft MND is to assess and disclose the project’s potential impacts, including beneficial impacts, on the environment and is not required to provide a justification for the project. However, it should be noted that the draft MND states that the project would help to minimize accident potential and vehicular conflicts and provide for improved traffic safety and does not assert that the project will result in a decrease of accidents in the project area, although that could be the case. The information in the analysis comes from a Traffic Study prepared for the project by a qualified professional as well as from the City’s Transportation Division. In addition, the comment provides information regarding roads and highways in Southern California without any evidence to support the claim. Furthermore, although the comment does not state that the traffic analysis is inadequate in assessing the project’s impacts on traffic and transportation, the analysis and conclusions in the draft MND are supported by substantial evidence that the project will not result in significant traffic impacts.

HKC-5: The comment cites CEQA and case law to make the point that CEQA requires an EIR when there is a fair argument that the project will have significant environmental impacts. The comment also points out that CEQA requires that “environmental considerations not become submerged by chopping a large project into many little ones, each with a potential impact on the environment, which cumulatively may have a significant impact.” Comment acknowledged.

HKC-6: The comment summarizes the project description of the draft MND and indicates that while the draft MND discloses that the project requires a conditional use permit and a coastal development permit it does not describe the potential conditions of approval for the conditional use permit and coastal development permit. The draft MND analyzes the aspects of the project that necessitate the above-mentioned discretionary permits, but does not make findings for approval of the discretionary permits. CEQA does not mandate that the draft MND make recommendations for or identify conditions of approval on the discretionary permits unless they would reduce an environmental impact or result in environmental impacts. All aspects of the project including those that trigger the discretionary permits have been analyzed in the draft MND.

The comment states that the MND should analyze the relocation of the residents and states that the MND reasons that the relocation cannot be analyzed “because the City has not yet obtained funding for the project.” See Responses HKC-4 and HKC-12.

The comment also states that the lack of funding “does not prevent the City from performing an analysis of whether there is sufficient room for relocation within the Park for those mobile homes.” The comment concludes that the project description is inadequate. The project description of the draft MND mentions potential alternatives for relocation of the residents, including on-site relocation. Because the exact relocation site is speculative at this point, the actual relocation is not further described in the project description.

The comment states that the City is “deliberately trying to avoid preparing an EIR by segmenting the Project so that it does not include relocation of Park residents.” CEQA requires environmental review of all direct impacts and reasonably foreseeable indirect impacts of a project. The draft MND indicates that relocation of residents is necessary for the acquisition of right-of-way required to construct the project. As such, the draft MND identifies the displacement of the residents as a result of the right-of-way acquisition as a potentially significant impact and provides mitigation to ensure that the impact (displacement of the residents) would be reduced to a less than significant level. The actual relocation site of the residents is speculative and therefore, not reasonably foreseeable. Thus, the impacts of the physical relocation would be analyzed as a separate project in accordance with CEQA. The comment further states that the project will “displace several families and result in the loss of the residential community characteristic of the area will clearly cause substantial adverse effects on human beings.” The comment cites CEQA case law to illustrate the point. See Response HKC-12. In addition, the draft MND acknowledges that the displacement of people/housing is a potentially significant impact and proposes mitigation to ensure that impacts would be reduced to a less than significant level. The residential community characteristic of the area will not be lost. Unlike the project cited in the CEQA case, no new commercial or industrial uses are proposed and the project does not propose to convert any existing uses to another use nor does it propose a change in the zoning or land use designation of the area. Once the project is complete, the existing uses of the project area as a road and mobile home park would be the same.

- HKC-7: The comment states that there is a fair argument of significant project impacts on the environment and states that the MND contains several factually unsupported findings regarding significant environmental impacts. Comment acknowledged. The specific details of the purported “factually unsupported findings” regarding impacts and the commenter’s proposed fair argument are detailed in subsequent comments.
- HKC-8: The comment states that the MND incorrectly finds that the project will not conflict with any applicable land use regulation of an agency over the mobile home park. The comment states that the project requires a conditional use permit for the block wall, which is not currently permitted, and would “impose additional burdens and conditions on the Park owner.” This is incorrect. The Huntington Beach Zoning and Subdivision Ordinance (HBZSO) permits the proposed block wall subject to a conditional use permit. Any conditions of approval adopted for the conditional use permit would be the responsibility of the City as the project applicant. The proposed block wall would not impact any scenic coastal views since it would be replacing an existing wood fence, and more importantly, there are no scenic coastal views in the project area. In addition, the removal of trees is addressed in the draft MND in both

the Biological Resources and Aesthetics section. The removal of trees would be subject to replacement at a two to one ratio. See pages 30 and 31 of the draft MND for the analysis on the project's impacts on aesthetics. See also Response HKC-16.

HKC-9: The comment states that the MND fails to discuss whether the project complies with the requirements for a coastal development permit. The project's potential impacts on coastal resources and access are analyzed in the Land Use and Planning section of the draft MND. The draft MND concludes that the project will not have adverse impacts on coastal resources and does not conflict with the California Coastal Act. The comment also states that the MND fails to analyze potential impacts of the project's displacement under the Ellis Act. However, the City Attorney's office has reviewed the Ellis Act and indicated that it would not apply to the project as proposed. If there are aspects of the project that are determined to be subject to the provisions of the Ellis Act as the project progresses, the project would be required to comply with any applicable requirements of the statute. The comment states that an EIR is required to analyze the scope of the conditional use permit and coastal development permit and impacts from any conditions associated with the permits. A conditional use permit and coastal development permit are required based on aspects of the proposed project (the proposed block retaining wall and development in the coastal zone, respectively), the scope of which has been adequately described in the project description and analyzed, in whole, throughout the draft MND. Project approval would be subject to standard conditions and code requirements. No conditions with the potential to cause significant environmental impacts are recommended or foreseeable at this time. Any conditions of approval with the potential to have significant adverse environmental impacts that are recommended or adopted during consideration of the project's discretionary permits, would need to be analyzed and likely recirculated for public review and comment.

HKC-10: The comment states that the MND "wrongfully claims that the Project will not divide an established community" and states that an EIR is required to analyze the impacts to the mobile home park. As stated in the comment, the project would remove eight mobile homes, reconstruct an existing access road/Fire lane and construct a block retaining wall along the project's property line. However, in relation to the existing configuration of the mobile home park, the access road/Fire lane will be reconstructed so that the park configuration will be the same as it currently exists. The block wall will result in a grade separation similar to the grade separation that currently exists. In addition, the comment states that the proposed block wall will impede open access to the street. However, no access points to the mobile home park property will be permanently removed and the block wall will replace an existing wood fence. The project does not propose to physically divide the mobile home park from any current access, infrastructure or services that are currently provided.

HKC-11: The comment states that the project would result in significant growth inducing impacts and that preparation of an EIR is required. The comment also states, and cites CEQA case law, that a project's conformity with the General Plan "does not insulate a project from the EIR requirement, where it may be fairly argued that the project will generate significant environmental effects." The draft MND analyzes the project's potential impacts regarding population growth both directly and indirectly. The

project does not propose new uses or development (i.e. – a new residential subdivision or a new commercial shopping center) that would result in direct growth-inducing impacts nor does it result in significant indirect growth-inducing impacts (i.e. – a new road, improvements to or installation of new utilities). Although the project provides for increased capacity on the subject segment of Atlanta Avenue, it would not induce substantial population growth in the area; particularly since the area surrounding the project site is largely built out or entitled for development. In addition, the project would bring the subject segment into compliance with its General Plan classification, which would accommodate population growth already assumed by the General Plan and improve the level of service on Atlanta Avenue compared to existing conditions. The applicability of the cited case law to the proposed project is inconsequential. The project cited involved construction of sewer lines and a new road in an undeveloped area, which would be a catalyst for development in the area. The court determined that the impacts of development that would likely occur as a result of the project were potentially significant and needed to be evaluated in an EIR. The proposed widening of Atlanta Avenue between Huntington Street and Delaware Street would not spur development in the area that would result in substantial population growth. In addition, the case law is cited to point out that a project's conformity with the General Plan does not exempt it from having to prepare an EIR when there is a fair argument that the project would result in significant impacts. In the context of impacts on population growth, for which the case is cited, evidence has not been presented that the project would result in significant growth-inducing impacts such that a fair argument exists to require an EIR.

- HKC-12: The comment states that the “MND erroneously claims that it cannot make decisions about replacement housing until it receives Federal highway funds, and thus wrongfully puts off for later mitigation in the form of a relocation plan.” The comment also asserts that the use of a future study cannot substitute as mitigation for a significant environmental effect in the MND and concludes that an EIR is required. The draft MND identifies the displacement of people/housing as a potentially significant impact. The impact (i.e. – displacement of people/housing) can be mitigated by requiring relocation of those displaced in accordance with the Federal Uniform Act. The proposed mitigation measure would ensure that all displaced people would be relocated pursuant to applicable laws, which would be defined and implemented through the required relocation plan. The relocation plan would not defer mitigation rather it would ensure that mitigation of the potentially significant impacts is implemented, thus reducing the impact to a less than significant level.

The draft MND provides several relocation alternatives, but since the City cannot negotiate with the mobile home park property owner and affected residents prior to receiving authorization for funding, the actual relocation site is purely speculative at this point. Consequently, the relocation site(s) is not reasonably foreseeable and would be analyzed for potential environmental impacts as a separate project pursuant to CEQA.

- HKC-13: As discussed in the Hydrology and Water Quality section of the draft MND, the project would not alter the existing drainage pattern such that significant impacts would result from an increased rate or volume of runoff causing erosion and/or

flooding. Although the project does include grading and relocation of an existing fire access lane and drainage catch basin, the mobile home park site would maintain the same drainage pattern that presently exists. In addition, the project will require an erosion control plan and Storm Water Pollution Prevention Plan (SWPPP) to ensure that the project will not cause significant impacts to water quality from runoff during construction. Since the project is not proposing new uses or development that would increase impervious area within the project area or result in additional runoff volumes, post construction drainage would not impair the capability of the existing drainage system of the mobile home park to "adequately contain drainage flows."

HKC-14: The comment states that an EIR is required "to study whether the mitigation measures will reduce particulate matter to a less than significant level." The comment misinterprets the draft MND in the percent reduction attainable for PM<sub>10</sub> emissions from construction mitigation. The comment states that the "MND leaps to an unsupported conclusion that a 50% reduction will somehow get rid of all of the 40% excess of particulate matter, not just 50% thereof." The draft MND concludes that the localized significance threshold (LST) will be exceeded for PM<sub>10</sub>. The LST for PM<sub>10</sub> in Huntington Beach is 14 pounds per day. The project, without mitigation, would result in emissions of 21.8 pounds per day. Although the model cannot quantify the amount of PM<sub>10</sub> emissions with mitigation, it is reasonable to assume that a reduction of 50 percent of the total emissions can be achieved with mitigation. A 50 percent reduction in emissions from implementation of mitigation measure AQ-1 would result in 10.9 pounds per day. This would result in emissions below the established threshold and therefore, the impact would be mitigated to a less than significant level. It should be noted that the conclusions regarding air quality impacts in the draft MND are based on an air quality report prepared for the project by a qualified professional. In addition, a 50 percent reduction is documented in air quality data for other projects in the City and in some instances, reductions of greater than 50 percent have been achieved with similar mitigation and compliance with SCAQMD Rule 403.

HKC-15: The comment states that the MND "erroneously fails to consider the cumulative impact of potential increased traffic on long term emissions resulting from the project." The comment also asserts that an EIR is required to study the project's impacts of increased emissions from "additional traffic enabled by the Project." While the project would provide for additional capacity on the subject segment of Atlanta Avenue, it would not generate additional traffic volumes such that "long term emissions" would be cumulatively significant. Compared to existing conditions, the project may reduce vehicle emissions that would result from traffic congestion and vehicle idling. This reduction may be even greater in the long-term since congestion in the project area would likely worsen as the City approaches buildout. The comment asserts that widening the road will lead to increased traffic on the subject segment of Atlanta Avenue and that the increase in traffic will result in a cumulatively significant impact on air quality. However, no data are provided to support this claim. It is important to clarify that the proposed road widening project would not result in direct increases in traffic that are typically associated with new uses or development that would generate vehicle trips. In addition, the project does not indirectly result in significant traffic impacts since it would not induce growth (Refer to Response HKC-11). After project completion, there may be more vehicles utilizing the subject

segment of Atlanta Avenue; however, this would represent a shift in vehicles that are likely already driving in the area and not an increase in new vehicle trips. Therefore, an increase in cumulatively considerable vehicle emissions is not anticipated and impacts, as concluded in the draft MND, would be less than significant.

HKC-16: The comment states that the MND “fails to contain a tree replacement plan that would allow for replacement of the mature trees in the Park that will be eliminated.” The draft MND discloses that the project includes the removal of 25 trees within the existing mobile home park property and identifies the City’s standard policy to replace the trees at a two to one ratio. The draft MND also includes a mitigation measure that would protect nesting bird species and ensure compliance with the Migratory Bird Treaty Act (MBTA) during project construction. A plan for replacement of the trees would be included as part of the project’s landscaping plan that would be required for the project subject to review and approval by the City. The MND correctly identifies the removal of trees as a potential impact and includes the City’s standard condition for tree replacement, which would sufficiently mitigate the impact. Because the replacement of trees is a standard City policy, it does not need to be identified as a mitigation measure. Additionally, specific details of the replacement trees in the draft MND are not necessary to provide an adequate analysis of the project’s impacts.

HKC-17: The comment states that the MND “wrongfully fails to admit that construction noise is a significant impact of the Project, despite its acknowledgement that construction noise levels will increase the ambient noise levels for residents located within 50 feet more than 25 dBA up to 98 dBA....” The comment states that since the impact is concluded to be less than significant, the proposed mitigation measure is not evaluated as to whether it will reduce noise levels to a less than significant level and asserts that an EIR is required to make the determination. Although the project will result in construction noise levels exceeding daytime noise levels established in the City’s Noise Ordinance, the Noise Ordinance exempts construction noise and therefore, the impact as to whether the project will result in noise levels exceeding established standards is correctly identified as less than significant. In addition, due to the short duration of project construction, the proposed daily construction hours (limited to 7:00 AM to 4:00 PM Monday through Friday) and the intermittent nature of construction noise during various stages of project construction, the project’s temporary increase in noise beyond existing levels would be considered less than significant. It should be noted that the conclusions in the draft MND are based on a technical study, prepared by a qualified professional, of the project’s noise impacts. Therefore, the draft MND sufficiently and accurately assesses the project’s potential noise impacts pursuant to CEQA. Even though no mitigation is required to reduce impacts to a less than significant level, a mitigation measure is proposed to reduce the annoyance of construction noise on residents within the project area.

HKC-18: The comment states that the MND “insists, without any substantive discussion, that the minor mitigation measures proposed will suffice.” The analysis in the draft MND is substantially supported by factual evidence and expert opinion documented in technical reports, existing regulations and applicable codes and weighed against established thresholds of significance. Mitigation measures are recommended for those impacts that were determined to be potentially significant based on the

substantive analysis. The recommended mitigation measures are both feasible and adequate to reduce potential impacts to a less than significant level. The comment states that the MND also fails to “admit” significant effects in the areas of land use, housing, population, traffic, drainage and noise impacts. Each of the areas cited have been adequately analyzed and determined to be less than significant or less than significant with mitigation. The comment then cites CEQA case law to provide an example of a project that adopted a negative declaration wherein the court found that there was substantial evidence that the project would result in significant environmental effects. However, there is no substantial evidence, in light of the whole record (including the comment letter) that provides substantial evidence that the project would result in significant environmental impacts. In addition, the draft MND includes analysis that provides substantial evidence that the project, with mitigation, would result in less than significant environmental impacts.

HKC-19: The comment states that the MND “fails to recognize” significant environmental impacts from relocation of residents, road widening, alteration of drainage and noise and fails to sufficiently mitigate impacts such that an EIR is required. The responses to HKC-3 through HKC-18 address all of the comments related to the potential impacts described. The draft MND has adequately analyzed the project as a whole and all potential environmental impacts have been determined to be less than significant or can be mitigated to a less than significant level. None of the comments in the letter presents substantial evidence such that a fair argument can be made to require an EIR for the project. The comment also states that the MND “demonstrates that the Project is not necessary or viable at this time.” As mentioned in Response HKC-4, the role of the draft MND is not to provide justification for the project. In addition, the project has been proposed by the City’s Department of Public Works and is programmed and funded as a RSTP project. Therefore, the project would be considered a viable project and, as such, all direct impacts and reasonably foreseeable indirect impacts have been analyzed pursuant to CEQA.

V. ERRATA TO RECIRCULATED DRAFT MITIGATED NEGATIVE  
DECLARATION NO. 09-001

The following changes to Draft Mitigated Negative Declaration No. 09-001 and Initial Study Checklist are as noted below. The changes to the Draft Mitigated Negative Declaration as they relate to issues contained within this errata sheet do not affect the overall conclusions of the environmental document. Revisions are below as excerpts from the Initial Study text, with a ~~line through~~ deleted text and **bold and double-underlined** font beneath inserted text. In order to indicate the location in the Initial Study where text has been changed, the reader is referred to the page number of the Initial Study.

Population and Housing – page 7

Along with the acquisition of this 25 feet wide by 630 feet long (approx.) strip of land from the mobile home park immediately south of Atlanta Avenue, eight homes (Unit Nos. 101, 102, 201, 301, 302, 401, 501, and 502) consisting of 14- **16** residents will also need to be removed in order to construct the proposed street widening project. The removal of the homes and displacement of the 14 **16** impacted residents is subject to the relocation requirements under the Federal Uniform Act. The Federal Uniform Act, passed by Congress in 1970, is a federal law that establishes minimum standards for federally funded programs and projects that require the acquisition of real property or displace persons from their homes, businesses, or farms.

Population and Housing – page 8

While eight homes with 14 **16** residents would not necessarily be considered a substantial relocation, in order to ensure that impacts to the 14 **16** residents that would require relocation is less than significant, the following mitigation measure is recommended:

Mandatory Findings of Significance – page 36

Mitigation for impacts identified in the area of population and housing are due to relocation of 14 **16** residents that would occur as a result of acquisition of additional right-of-way for the project and not due to substantial increases in population or indirect growth that would result in cumulatively considerable impacts.



APPENDIX A

Comments on Draft MND No. 09-001  
(Comment Period 8/5/10 – 9/3/10)

**DEPARTMENT OF TRANSPORTATION**

District 12  
3347 Michelson Drive, Suite 100  
Irvine, CA 92612-8894  
Tel: (949) 724-2267  
Fax: (949) 724-2592

RECEIVED



*Flex your power!  
Be energy efficient!*

**September 2, 2010**

Ms. Jennifer Villaseñor  
City of Huntington Beach  
2000 Main Street  
Huntington Beach, CA 92648

File: IGR/CEQA  
SCH #: 2010081014  
Log #: 2568  
SR-39

**Subject: Atlanta Avenue Widening Project**

Dear Ms. Villaseñor:

Thank you for the opportunity to review and comment on the **Mitigated Negative Declaration for the Atlanta Avenue Widening Project**. The project proposes to widen the south side of Atlanta Avenue, between Huntington Street and Delaware Street, to comply with the primary arterial street classification in the General Plan Circulation Element and the Orange County Transportation Authority's Master Plan of Arterial Highways (MPAH). The project site is located within the City of Huntington Beach.

**The California Department of Transportation, District 12 is a commenting agency on this project, and has no comment at this time.**

Please continue to keep us informed of this project and any future developments which could potentially impact State transportation facilities. If you have any questions or need to contact us, please do not hesitate to call Zhongping (John) Xu at (949) 724-2338.

Sincerely,

CHRISTOPHER HERRE

Branch Chief, Local Development/Intergovernmental Review

cc: Terry Roberts, Office of Planning and Research

## NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364  
SACRAMENTO, CA 95814  
(916) 653-6251  
Fax (916) 657-5390  
Web Site [www.nahc.ca.gov](http://www.nahc.ca.gov)  
e-mail: [ds\\_nahc@pacbell.net](mailto:ds_nahc@pacbell.net)



RECEIVED  
AUG 23 2010  
Dept. of Planning  
& Building

August 18, 2010

Ms. Jennifer Villaseñor, Acting Senior Planner

**CITY OF HUNTINGTON BEACH**

2000 Main Street  
Huntington Beach, CA 92648

Re: SCH#2010081014; Notice of Completion; proposed Mitigated Negative Declaration for the Atlanta Avenue Widening Project (CDP No. 2009-001; CUP No. 2009-019) located in the City of Huntington Beach; Orange County, California.

Dear Ms. Villaseñor:

The Native American Heritage Commission (NAHC) is the state 'trustee agency' pursuant to Public Resources Code §21070 for the protection and preservation of California's Native American Cultural Resources. (Also see Environmental Protection Information Center v. Johnson (1985) 170 Cal App. 3<sup>rd</sup> 604). The California Environmental Quality Act (CEQA - CA Public Resources Code §21000-21177, amendment effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the California Code of Regulations §15064.5(b)(c)(f) (CEQA guidelines). Section 15382 of the CEQA Guidelines defines a significant impact on the environment as "a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ...objects of historic or aesthetic significance. The lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE)', and if so, to mitigate that effect. State law also addresses Native American Religious Expression in Public Resources Code §5097.9.

NAHC-1

The Native American Heritage Commission did perform a Sacred Lands File (SLF) search in the NAHC SLF Inventory, established by the Legislature pursuant to Public Resources Code §5097.94(a) and Native American Cultural Resources were not identified within one-half mile of the APE identified for the project. However, there are Native American cultural resources in close proximity to the APE. Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries once a project is underway. Enclosed are the names of the culturally affiliated tribes and interested Native American individuals that the NAHC recommends as 'consulting parties,' for this purpose, that may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We recommend that you contact persons on the attached list of Native American contacts. A Native American Tribe or Tribal Elder may be the only source of information about a cultural resource.. Also, the NAHC recommends that a Native American Monitor or Native American culturally knowledgeable person be employed whenever a professional archaeologist is employed during the 'Initial Study' and in other phases of the environmental planning processes.

NAHC-2

Furthermore the NAHC recommends that you contact the California Historic Resources Information System (CHRIS) at the Office of Historic Preservation (OHP)

NAHC-3

ATTACHMENT NO. 4.17

Coordinator's office (at (916) 653-7278, for referral to the nearest OHP Information Center of which there are 10.

NAHC-3  
continued

Consultation with tribes and interested Native American tribes and interested Native American individuals, as consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA (42 U.S.C. 4321-43351) and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 [f]) *et seq.*, 36 CFR Part 800.3, the President's Council on Environmental Quality (CSQ; 42 U.S.C. 4371 *et seq.*) and NAGPRA (25 U.S.C. 3001-3013), as appropriate. The 1992 *Secretary of the Interior's Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including *cultural landscapes*. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e).

NAHC-4

Lead agencies should consider avoidance, as defined in Section 15370 of the California Environmental Quality Act (CEQA) when significant cultural resources could be affected by a project. Also, Public Resources Code Section 5097.98 and Health & Safety Code Section 7050.5 provide for provisions for accidentally discovered archeological resources during construction and mandate the processes to be followed in the event of an accidental discovery of any human remains in a project location other than a 'dedicated cemetery. Discussion of these should be included in your environmental documents, as appropriate.

NAHC-5

The authority for the SLF record search of the NAHC Sacred Lands Inventory, established by the California Legislature, is California Public Resources Code §5097.94(a) and is exempt from the CA Public Records Act (c.f. California Government Code §6254.10). The results of the SLF search are confidential. However, Native Americans on the attached contact list are not prohibited from and may wish to reveal the nature of identified cultural resources/historic properties. Confidentiality of "historic properties of religious and cultural significance" may also be protected under Section 304 of the NHPA or at the Secretary of the Interior's discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C. 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APE and possibly threatened by proposed project activity.

NAHC-6

CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave liens. Although tribal consultation under the California Environmental Quality Act (CEQA; CA Public Resources Code Section 21000 – 21177) is 'advisory' rather than mandated, the NAHC does request 'lead agencies' to work with tribes and interested Native American individuals as 'consulting parties,' on the list provided by the NAHC in order that cultural resources will be protected. However, the 2006 SB 1059 the state enabling legislation to the Federal Energy Policy Act of 2005, does mandate tribal consultation for the 'electric transmission corridors. This is codified in the California Public Resources Code, Chapter 4.3, and §25330 to Division 15, requires consultation with California Native American tribes, and identifies both federally recognized and non-federally recognized on a list maintained by the NAHC

NAHC-7

Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15064.5 (d) of the California Code of Regulations (CEQA Guidelines) mandate procedures to be followed, including that construction or excavation be stopped in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery until the county coroner or medical examiner can determine whether the remains are those of a Native American. . Note that §7052 of the Health & Safety Code states that disturbance of Native American cemeteries is a felony.

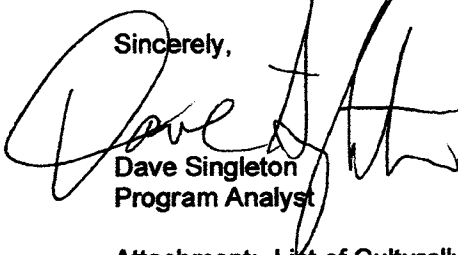
NAHC-7  
continued

Again, Lead agencies should consider avoidance, as defined in §15370 of the California Code of Regulations (CEQA Guidelines), when significant cultural resources are discovered during the course of project planning and implementation.

NAHC-8

Please feel free to contact me at (916) 653-6251 if you have any questions.

Sincerely,



Dave Singleton  
Program Analyst

Attachment: List of Culturally Affiliated Native American Contacts

Cc: State Clearinghouse

ATTACHMENT NO. <sup>3</sup>4.19

**Native American Contacts  
Orangge County  
August 18, 2010**

**Ti'At Society**  
**Cindi Alvitre**  
**6515 E. Seaside Walk, #C**  
**Long Beach , CA 90803**  
**calvitre@yahoo.com**  
**(714) 504-2468 Cell**

**Gabrielino Tongva Nation**  
**Sam Dunlap, Chairperson**  
 P.O. Box 86908  
 Los Angeles , CA 90086  
**samdunlap@earthlink.net**  
 (909) 262-9351 - cell

**Juaneno Band of Mission Indians Acjachemen Nation**  
**David Belardes, Chairperson**  
**32161 Avenida Los Amigos Juaneno**  
**San Juan Capistrano CA 92675**  
**DavidBelardes@hotmail.**  
**(949) 293-8522**  
**(949) 493-4933 - Home**

**Juaneno Band of Mission Indians Acjachemen Nation**  
**Anthony Rivera, Chairman**  
**31411-A La Matanza Street Juaneno**  
**San Juan Capistrano CA 92675-2674**  
**arivera@juaneno.com**  
**(949) 488-3484**  
**(530) 354-5876 - cell**

**Tongva Ancestral Territorial Tribal Nation**  
**John Tommy Rosas, Tribal Admin.**  
**tattnlaw@gmail.com**  
**310-570-6567**

**Gabrielino Tongva Indians of California Tribal Council**  
**Robert F. Doramae, Tribal Chair/Cultural**  
P.O. Box 490  
Bellflower, CA 90707  
**gtongva@verizon.net**  
562-761-6417 - voice  
562-925-7989 - fax

**Gabrieleno/Tongva San Gabriel Band of Mission**  
**Anthony Morales, Chairperson**  
**PO Box 693** **Gabrielino Tongva**  
**San Gabriel , CA 91778**  
**GT Tribal Council@aol.com**  
**(626) 286-1632**  
**(626) 286-1758 - Home**  
**(626) 286-1262 -FAX**

**Juaneno Band of Mission Indians**  
**Alfred Cruz, Culural Resources Coordinator**  
**P.O. Box 25628** **Juaneno**  
**Santa Ana , CA 92799**  
**alfredgcruz@sbcglobal.net**  
**714-998-0721**  
**714-998-0721 - FAX**  
**714-321-1944 - cell**

**This list is current only as of the date of this document.**

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code. Also, federal National Environmental Policy Act (NEPA), National Historic Preservation Act, Section 106 and federal NAGPRA. And 36 CFR Part 800.3.

**This list is only applicable for contacting local Native Americans for consultation purposes with regard to cultural resources impact by the proposed SCH#2010081014; CEQA Notice of Completion; proposed Mitigated Negative Declaration for the Atlanta Avenue Widening Project (CDP No. 2009-001, CUP No. 2009-019); located in the City of Huntington Beach; Orange County, California.**

ATTACHMENT NO. 4.20

Native American Contacts  
Orangge County  
August 18, 2010

Juaneno Band of Mission Indians  
Adolph 'Bud' Sepulveda, Vice Chairperson  
P.O. Box 25828                      Juaneno  
Santa Ana , CA 92799  
bssepul@yahoo.net  
714-838-3270  
714-914-1812 - CELL  
bsepul@yahoo.net

Juaneno Band of Mission Indians  
Sonia Johnston, Tribal Chairperson  
P.O. Box 25628                      Juaneno  
Santa Ana , CA 92799  
sonia.johnston@sbcglobal.net  
(714) 323-8312

Juaneno Band of Mission Indians  
Anita Espinoza  
1740 Concerto Drive                      Juaneno  
Anaheim , CA 92807  
(714) 779-8832

United Coalition to Protect Panhe (UCPP)  
Rebecca Robles  
119 Avenida San Fernando      Juaneno  
San Clemente CA 92672  
(949) 573-3138

Gabrielino-Tongva Tribe  
Bernie Acuna  
1875 Century Pk East #1500 Gabrielino  
Los Angeles , CA 90067  
(310) 428-7720 - cell  
(310) 587-2281

Juaneno Band of Mission Indians Acjachemen Nation  
Joyce Perry; Representing Tribal Chairperson  
4955 Paseo Segovia                      Juaneno  
Irvine , CA 92612  
949-293-8522

Gabrielino-Tongva Tribe  
Linda Candelaria, Chairwoman  
1875 Century Park East, Suite 1500  
Los Angeles , CA 90067      Gabrielino  
lcandelaria1@gabrielinoTribe.org  
310-428-5767- cell  
(310) 587-2281

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code. Also, federal National Environmental Policy Act (NEPA), National Historic Preservation Act, Section 106 and federal NAGPRA. And 36 CFR Part 800.3.

This list is only applicable for contacting local Native Americans for consultation purposes with regard to cultural resources impact by the proposed SCH#2010081014; CEQA Notice of Completion; proposed Mitigated Negative Declaration for the Atlanta Avenue Widening Project (CDP No. 2009-001, CUP No. 2009-019); located in the City of Huntington Beach; Orange County, California.

ATTACHMENT NO. 4.21



# CITY OF HUNTINGTON BEACH

## ENVIRONMENTAL BOARD

September 2<sup>nd</sup>, 2010

Jennifer Villasenor  
City of Huntington Beach  
Department of Planning and Building  
2000 Main St  
Huntington Beach, CA 92648

Subject: Atlanta Avenue Widening CC-1389

Dear Ms. Villasenor,

At the September 2, 2010 Environmental Board meeting, the members reviewed the draft mitigated negative declaration No. 09-001. The Board offers the following comments for your consideration.

### Land Use / Planning:

1. What type of environmental document pursuant to the National Environmental Policy Act will be required to obtain federal authorization? This document should be reviewed concurrently with the MND. It would be helpful to know what the Federal Uniform Act provisions are for properties affected by this project.

EB-1

### Air Quality:

1. The project will result in localized significance thresholds for PM10 to be exceeded. Will a mitigation monitoring and reporting plan (MMRP) be prepared for proposed measures AQ-1? Should this plan be part of the MND?
2. How will the monitoring plan evaluate compliance with "The construction contractor shall not discharge smoke, dust, equipment exhaust, or any other air contaminant to the atmosphere in such quantity as will violate any federal, state or local regulation"?

EB-2

EB-3

### Utilities / Service Systems:

1. Relocating utility poles provides an opportunity for possible undergrounding which provides for improved vistas and public safety. Evaluate placing relocated utilities underground.

EB-4

ATTACHMENT NO. 4.22

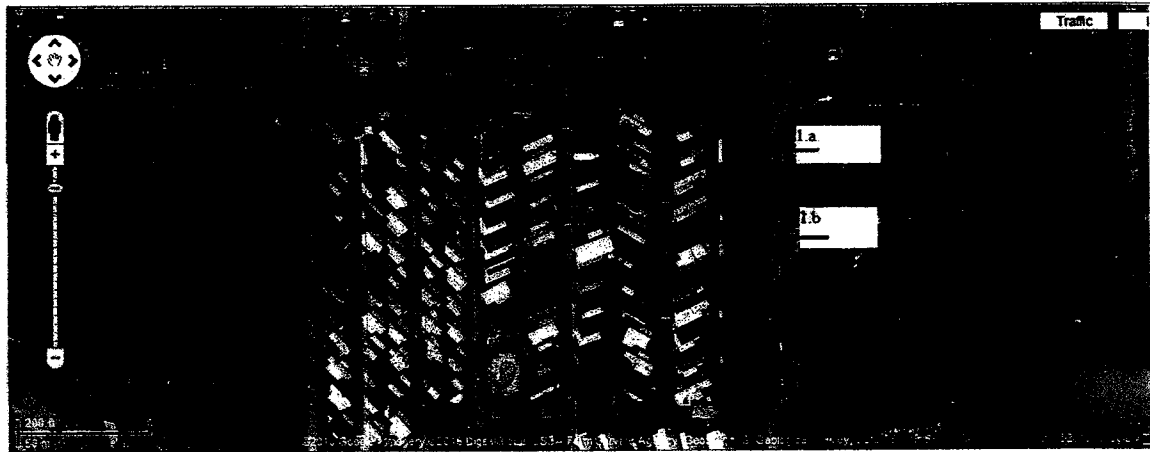


Population / Housing:

1. The Board recognizes the significant impact the project will have on a number of inconvenienced mobile homeowners. Use of area on eastern edge of mobile home park presently used for RV and boat storage could be considered for relocation of displaced mobile homes. (See 1.a below)
2. Use of area east of block wall on eastern side of mobile home park (vacant property between block wall and Delaware St.) in conjunction with property above for relocation of displaced mobile homes, and new landscaping. (Not sure of property ownership) (See 1.b)

EB-5

EB-6



Hydrology / Water Quality

1. The Board recognizes innovative and environmentally friendly products exist for new street paving, such as permeable / pervious pavement which benefit storm water management, and reduce effects of Urban Heat Island (UHI). The Board recommends exploring such materials.

EB-7

We appreciate the opportunity of reviewing this project. Please contact us with any questions or concerns.

Sincerely,

Robert Schaaf  
Chairman, Huntington Beach Environmental Board

1. <http://www.builditgreen.org/attachments/wysiwyg/22/CD-Waste-Diversion.pdf>

RECEIVED

SEP 03 2010

August 31, 2010

Hello Jennifer,

Dept. of Planning  
& Building

I live in Space 502 and this is my comment about Atlanta Avenue Widening Project. What a waste of taxpayers' money! I've lived by Atlanta for 5 years now. There are about 2 days out of the year where widening Atlanta would be beneficial. The rest of the year, it's not necessary. However, being a Federal government civil servant for over 30 years, I am well aware of how the government loves to waste money. Working for the government for so long has made me also aware that fighting city hall would be a waste of my time. My only hope is that funding doesn't happen and that this ridiculous project doesn't happen.

One error that I see in the Environmental Report is the amount of residents that are impacted. You should add at least two more residents to the impacted 14 residents. My home has three residents in it, my two sons and myself. I am a FAA Electrical Engineer, on the verge of retiring, who in 2005 moved into his dream retirement home. This is the home you plan on taking from me soon. Also living on Space 502 is a senior at Cal State Fullerton and my other son who has a severe mental illness (paranoid Schizophrenic). I believe you have calculated only one resident in my home because I have not gotten around to officially notifying management that my two sons moved in with me. One moved in with me in 2007 and the other in 2008.

My final comment is, "May your plans fall apart and the widening of Atlanta never happen!"

Respectfully,



Roger Savoie Jr.  
80 Huntington St. #502  
Huntington Beach, CA 92648

SAVO-1

ATTACHMENT NO. 4.24

**HK&C**  
HART, KING & COLDREN

RECEIVED

SEP 03 2010

Dept. of Planning  
& Building

Robert S. Coldren  
rcoldren@hkclaw.com

August 31, 2010

Our File Number: 36608.005/4819-6055-9111v.1

VIA FACSIMILE AND U.S. MAIL  
(714) 374-1540

Jennifer Villaseñor  
Acting Senior Planner  
Planning and Building Department  
City of Huntington Beach  
2000 Main Street  
Huntington Beach, CA 92648

Re: **Atlanta Avenue Widening Project ("Project")**  
**Cover Letter re Comments on Mitigated Negative Declaration ("MND")**

Dear Ms. Villaseñor:

I am writing this cover letter to accompany the enclosed comment letter on the MND for the Project. We have previously expressed the desire to work together with the City to achieve a mutually favorable result with respect to the taking of portions of the Pacific Mobilehome Park and other changes to the Park resulting from the Project.

We are submitting the enclosed comment letter to preserve the rights of the Park property owner to challenge the Project in the event we are not able to timely achieve a mutually favorable resolution. However, we do not want the comment letter to be misconstrued as a change in our desire to work out a mutually favorable result or as a current desire to litigate this matter.

Given that the short time frame available for challenge under CEQA might force us to file litigation to further preserve the rights of the property owner, it is incumbent that we redouble our efforts to achieve a mutually favorable resolution within the next couple of months. Alternatively, it might make sense for the City to place the Project and MND on hold until there is funding for the Project acquisition and relocation.

HKC-1

HKC-2

A Professional Law Corporation  
200 Sandpointe, Fourth Floor, Santa Ana, California 92707  
Ph 714.432.8700 | www.hkclaw.com | Fx 714.546.7457

ATTACHMENT NO. 4.25



HART, KING & COLDREN

City of Huntington Beach  
Re: Atlanta Avenue Widening Project  
August 31, 2010  
Page 2

We would be glad to meet with you to set up a framework and timetable for resolution of matters pertaining to the Project. Please contact me to set up a meeting.

Sincerely,

HART, KING & COLDREN



Robert S. Coldren

BLH/dr

Enclosure: Comment Letter on MND for Project

cc: Mark Hodgson

ATTACHMENT NO. 4.26

# HK&C

HART, KING & COLDREN

Robert S. Coldren  
rcoldren@hkclaw.com

August 31, 2010

Our File Number: 36608.005/4847-3600-0519v.1

VIA FACSIMILE AND U.S. MAIL  
(714) 374-1540

Jennifer Villaseñor  
Acting Senior Planner  
Planning and Building Department  
City of Huntington Beach  
2000 Main Street  
Huntington Beach, CA 92648

Re: Atlanta Avenue Widening Project ("Project")  
Comments on Mitigated Negative Declaration ("MND")

Dear Ms. Villaseñor:

We represent the owner of the Pacific Mobilehome Park, whose property would need to be taken for the proposed Project. This letter constitutes the Park Owner's comments on the City's MND for the Project. The City should not approve the Project or the MND for the following reasons:

1. There is no substantial evidence of public necessity for the Project which involves the taking of private Park property on which resident mobile homes are located.
2. An Environmental Impact Report ("EIR") should have been prepared because the MND wrongfully fails to consider that part of the Project which involves relocation of Park residents, which relocation, if considered, would require preparation of an EIR.
3. An EIR should have been prepared because there is a fair argument that the Project, as mitigated, may have significant impacts on the environment, particularly regarding land use, housing, growth, air quality, drainage, noise and biological resources impacts.

HKC-3

**THE MND CONTAINS NO SUBSTANTIAL EVIDENCE OF PROJECT PUBLIC NECESSITY**

In order for the Project which encompasses the taking of private Park property to be lawful, the City must establish the public necessity for the Project. (See Code Civ. Proc., 1240.030) The MND does not point to any anticipated Park change in use that will justify building out the adjacent street to the maximum general plan width. In addition, the MND candidly admits that there is no current funding source that would allow the Project to be built within the near future.

HKC-4

A Professional Law Corporation  
200 Sandpointe, Fourth Floor, Santa Ana, California 92707  
Ph 714.432.8700 | www.hkclaw.com | Fx 714.546.7457

ATTACHMENT NO. 4.27

City of Huntington Beach  
Re: Atlanta Avenue Widening Project  
August 31, 2010  
Page 2

The MND alleges that the Project is made necessary by the previous approval of the mixed use Pacific City Development just west of the Project, which Development widened Atlanta Avenue to its ultimate location, leaving an alleged "choke point" along Atlanta Avenue where the Park is located.

According to the MND, the existing 26 foot offset in the south curb alignment at the intersection of Atlanta Avenue and Huntington Street "requires additional motorist decisions" and creates "a greater potential for merging accidents and motorists inadvertently driving vehicles off of the street."

Neither the MND nor the traffic study attached thereto provide evidence to support this conclusion regarding the alleged safety issues pertaining to the existing south curb offset. The MND provides no evidence of a greater number of accidents at the intersection of Atlanta Avenue and Huntington Street, no evidence of a greater number of vehicles running off the street, and no evidence of traffic backups resulting from the south curb offset. Indeed, some of the most heavily traveled roads, highways and interstates in Southern California have well marked lane reductions without any significant reductions in safety.

The traffic study attached to the MND provides substantial evidence to the contrary of the MND justification for the Project. The traffic study demonstrates that regardless of the Project there will be significant traffic obstruction at the intersection of Atlanta Avenue and Huntington Street unless there is a traffic signal light placed at that intersection. With a traffic signal light, traffic obstruction at the intersection is avoided. The traffic study glaringly fails to study whether a signal light without the Project would relieve any existing traffic obstruction, although it is clear from the traffic study that the Project without a traffic signal light will not.

Therefore, the MND does not provide evidence of the public necessity for the proposed Project and its relocation of Park resident mobile homes. Instead it provides evidence that the Project is both not needed and not presently viable.

#### **THE MND CONTAINS AN INADEQUATE PIECEMEAL PROJECT DESCRIPTION**

The California Environmental Quality Act ("CEQA," Pub. Res. Code 21000 et seq.) is a comprehensive scheme designed to provide long-term protection to the environment. CEQA is to be interpreted to afford the fullest possible protection to the environment within the reasonable scope of the statutory language. (See *Mountain Lion Foundation v. Fish & Game Com.* (1997) 16 Cal.4th 105, 112)

An EIR is the heart of CEQA. Its purpose is to inform the public and its responsible officials of the environmental consequences of their decisions before they are made. Thus, the EIR protects not only the environment but also informed self-government. (See *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 391, fn 2)

A negative declaration is proper only if the public agency determines based on an initial study



HART, KING & COLDREN

City of Huntington Beach  
Re: Atlanta Avenue Widening Project  
August 31, 2010  
Page 3

that there is no substantial evidence that the project may have a significant effect on the environment. (Pub. Res. Code, § 21080 (c) (1) & (d); 14 Cal. Code Regs., §§ 15063 (b) (2), 15070 (a)) An EIR must be prepared whenever there is a fair argument on the basis of substantial evidence that the project will have significant environmental impact. (See *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 75)

A proper initial study requires that "all phases of project planning, implementation and operation ... be considered." (14 Cal. Code Regs., § 15063 (a) (1)). Indeed, an accurate, stable and finite project description is the sine qua non of informative and legally adequate environmental review. (See *Burbank-Glendale-Pasadena Airport v. Hensler* (1991) 233 Cal.App.3d 577, 592)

An accurate project description is necessary for an intelligent evaluation of the potential environmental effects of a proposed activity. A narrow view of a project could result in the fallacy of division, that is, overlooking its cumulative impact by separately focusing on isolated parts of the whole. (See *McQueen v. Board of Directors* (1988) 202 Cal.App.3d 1136, 1143)

For these reasons, CEQA mandates that environmental considerations not become submerged by chopping a large project into many little ones, each with a potential impact on the environment, which cumulatively may have a significant impact. (See *City of Santee v. County of San Diego* (1989) 214 Cal.App.3d 1438, 1452) CEQA defines the term "project" broadly to include the whole of an action, direct and indirect impacts on the environment, and any subsequent discretionary actions of the government agencies. (See *McQueen v. Board of Directors*, *supra*, 202 Cal.App.3d at 1143)

The MND describes the Project as the widening of the south side of Atlanta Avenue between Huntington Street and Delaware Street to comply with the primary arterial street classification in the City's General Plan Element. Currently there is one lane of traffic on the south side. The Project will add an additional lane, a bike lane and a sidewalk along the south side of Atlanta Avenue.

The MND lists the scope of the Project to encompass condemnation of Park land, removal and relocation of eight mobile homes, clearing and grubbing of the land, construction of an asphalt concrete roadway, striping, curb, gutter, sidewalk, an 8-foot tall concrete block wall atop a retaining wall possibly 7-feet in height, landscaping that includes the removal of 25 mature trees, reconstruction of a circulation road within the Park, construction of two emergency access gates within the Park, utility and fire hydrant relocation, relocation of a drainage catch basin, relocation of utility poles and overhead lines.

The MND states that the Project will require approval of a conditional use permit for the block wall and a coastal development permit. However, the MND makes no attempt to describe any potential conditions for approval of a conditional use permit or coastal development permit.

Despite its acknowledgement that the Project will require relocation of eight mobile homes, the MND inappropriately claims that the City cannot conduct environmental review for the relocation

HKC-5  
continued

HKC-6

City of Huntington Beach  
Re: Atlanta Avenue Widening Project  
August 31, 2010  
Page 4

impacts because the City cannot yet determine whether relocation from the Park will be required because the City has not yet obtained funding for the Project.

The City's reasoning here is faulty. The lack of current funding for the Project, while relevant to whether there is public necessity for the Project, does not prevent the City from performing an analysis of whether there is sufficient room for relocation within the Park for those mobile homes that will be moved. Therefore the MND description of the Project is inadequate and incomplete.

It appears that the City is deliberately trying to avoid preparing an EIR by segmenting the Project so that it does not include relocation of Park residents. Under CEQA, there is a mandatory finding of significance if the environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly. (14 Cal. Code Regs., § 15065)

A road widening project that will displace several families and result in the loss of the residential community characteristic of the area will clearly cause substantial adverse effects on human beings. (See *Friends of "B" Street v. City of Hayward* (1980) 106 Cal.App.3d 988, 1003) Therefore, by improperly segmenting or piece-mealing the Project, the City violates CEQA. An EIR rather than the MND should have been prepared.

**THERE IS FAIR ARGUMENT OF SIGNIFICANT  
PROJECT IMPACTS ON THE ENVIRONMENT**

A mitigated negative declaration is appropriate only if project revisions avoid or mitigate the potentially significant effects that are identified or that should have been identified in the initial study to the point where no significant effect on the environment would occur. (See Pub. Res. Code § 21064)

Under CEQA a significant effect on the environment means a substantial or potentially substantial adverse change in the environment. (Pub. Res. Code, § 21068) Appendix G of the CEQA Guidelines provides a checklist of significant environmental impacts that an agency should evaluate for a project in its initial study. The initial study checklist is included in the MND. The MND initial study checklist contains several erroneous and/or factually unsupported findings regarding significant environmental impacts and/or mitigation thereof:

1. Land Use and Planning.

a. Conflict with Existing Land Use Regulation. The MND incorrectly finds that the Project will not conflict with any applicable land use regulation of an agency over the Park.

The MND expressly states that the City will need to issue a new conditional use permit for the large (possibly as high as 15 feet) block wall that will be part of the Project. Such a wall is not currently permitted under the Park conditional use permit and would impose additional burdens and conditions on the Park Owner. However, the MND fails to discuss what conditions

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might be involuntarily imposed on the Park Owner and the impacts of those conditions on the existing conditional use permit. The MND also fails to address any impacts of a 15 foot wall ore removal of existing mature trees on the scenic coastal views of nearby residents.

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continued

The MND also reveals that it will need an additional coastal development permit but fails to discuss whether the Project complies under the requirements for such a permit and fails to address the potential impact of Project's displacement of housing under the Ellis Act. Thus, an EIR is needed to analyze the scope of the new conditional use permit and coastal development permit required for the Project, including the impact of any conditions that would be associated with such permits.

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c. Divide an Established Community. The MND also wrongfully claims that the Project will not divide an established community. The MND clearly will remove 8 mobile homes from the Park and thus divide them from the Park community, reconfigure an access road within the Park, and impose a block wall that will result in grade separation and impede open access to the street. These are definite physical changes to the environment that will divide and segment the established Park community. Therefore, an EIR is needed to analyze the Project impacts to the Park community.

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## 2. Population and Housing.

a. Induce Substantial Population Growth. The MND erroneously claims that the City need not study the growth inducing impact of the street widening because it is within growth projected by the City's General Plan. The growth inducing impacts of a street widening project must be studied and discussed in an EIR regardless of whether they are anticipated by the City's General Plan. (See *City of Antioch v. City Council* (1986) 187 Cal.App.3d 1325, 1332 ["conformity with the general plan for the area ... does not insulate a project from the EIR requirement, where it may be fairly argued that the project will generate significant environmental effects"]) Therefore, an EIR is required to evaluate the Project's growth inducing impacts.

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b/c. Need for Replacement Housing. The MND erroneously claims that it cannot make decisions about replacement housing until it receives Federal highway funds, and thus wrongfully puts off for later mitigation in the form of a relocation plan. There is nothing in the lack of present funding that prevents the City from determining the potential place and type of relocation housing at the current time. The use of a future study or plan cannot substitute as mitigation for a significant environmental effect in the MND. (See *Sunstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 307) Thus, an EIR is required that includes a relocation plan.

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## 4. Hydrology and Water Quality.

c. Alter Drainage Pattern. The MND erroneously claims that the Project will not substantially alter the existing drainage pattern of the area despite its admission in section

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4.a. that the existing storm drain at the south side of Atlanta Avenue will be relocated and that there will need to be reconstruction of the Park on-site drive aisle and a grade change. Grade and location changes can substantially alter the ability of the existing on-site drainage system to adequately contain drainage flows. Those impacts to the Park drainage system should be studied in an EIR.

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5. Air Quality. The MND makes unsupported assumptions about mitigation of short term air quality impacts and erroneously fails to consider long term air quality impacts of the Project.

a/b. Violate Air Standards/Sensitive Receptors. With respect to the short term impacts, the MND acknowledges that construction of the Project will cause significant air quality impacts. The MND admits that the mitigation measures, if completely successful "can" at the maximum, only result in a 50 percent reduction in particulates matter. The MND then leaps to an unsupported conclusion that a 50 percent reduction will somehow get rid of all of the 40% excess of particulate matter, not just 50% thereof. An EIR is required to study whether the mitigation measures will reduce particulates matter to a less than significant level.

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e. Cumulative Increase in Emissions. The MND erroneously fails to consider the cumulative impact of potential increased traffic on long term emissions resulting from the Project. An EIR is required to study the impact of increased future emissions from additional traffic enabled by the Project.

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7. Biological Resources. The MND improperly fails to contain a tree replacement plan that would allow for replacement of the mature trees in the Park that will be eliminated.

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10. Noise. The MND wrongfully fails to admit that construction noise is a significant impact of the Project, despite its acknowledgement that construction noise levels will increase the ambient noise levels for residents located within 50 feet more than 25 dBA up to 98 dBA, an intolerable amount despite what the City ordinance allows during daytime. The mitigation measures suggested thus are not evaluated as to whether they bring the noise levels to a less than significant level. An EIR is required to determine mitigation measures that will reduce Project noise for Park residents to a less than significant level.

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18. Mandatory Findings of Significance. While the MND admits to all three mandatory findings of significance, the MND insists, without any substantive discussion, that the minor mitigation measures proposed will suffice. The MND also fails to admit to all of the significant effects, including land use, housing, population, traffic, drainage and noise impacts.

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In essence, the Project is similar in many respects to the project in the *Friends of "B" Street* case where an EIR was required:

In the present case the adoption of a negative declaration was an abuse of discretion. The city's initial study revealed that the short

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term effects of the "B" Street Project include increased dust and auto exhaust, disruption of business during the construction of the project, and increased bank erosion and possible loss of wildlife habitat along San Lorenzo Creek during construction of a bridge. Among the long term effects of the project are increased traffic, increased noise, paving and removal of grass and garden areas, the removal of vegetation, landscaping, shrubs and hedgerows, the removal of 153 mature trees (some more than 80 years old) which presently line the street, and the elimination of on-street parking on "B" Street and Center Street, aggravating present parking problems that already exist in the area. Two neighborhood stores would be removed, and 12 families would be displaced due to the removal of residential structures. The project would result in the loss of the residential community characteristic of the area, and a decrease in residential property values. The residential desirability of adjacent properties would be adversely affected by the increased noise and exposure to traffic, reduced setbacks of the structures from the street, and the loss of on-street parking. The conversion of single-family dwellings to commercial or multi-family use would be accelerated. The project would also result in a decreased visual or aesthetic quality of the area due to the removal of the trees, grass and garden areas, and the decrease in the setback of the structures from the street. This evidence indicated that a finding of significant environmental effect was mandatory. (Cal. Admin. Code, tit. 14, § 15082.) The trial court correctly determined that there was substantial evidence that the "B" Street Project might have a significant environmental effect. (*Friends of "B" Street v. City of Hayward*, *supra*, 106 Cal.App.3d at 1003)

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In conclusion, the failure of the MND to recognize the numerous significant environmental impacts resulting from relocation of residents, road widening, alteration of drainage and noise and the failure of the MND to sufficiently mitigate impacts resulting from the Project require the preparation of an EIR. The MND fails to analyze the whole of the Project and demonstrates that the Project is not necessary or viable at this time. An EIR should be prepared to appropriately analyze the Project.

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Sincerely,

HART, KING & COLDREN

Robert S. Coldren

BLH/dr

cc: Mark Hodgson

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